

Forestry



PUBLIC CONTROL OF PRIVATE CUTTING

by

J. Richard Crawmer.

Masters Thesis

June 10, 1938.

Introduction

Forest devastation, until recent years, has been the accepted practice of every private owner of forest land. No thought of the future ever entered the minds of the owners themselves, nor the public at large. It was taken for granted that there would always be enough timber to supply the needs of the country indefinitely. Gradually, however, a few of the thinking individuals recognized the fact that much of our timber resources were being devastated at such a rate that there could be no hope of our timber lasting forever. Through this realization was initiated the conservation movement.

No sooner had this movement gained sufficient momentum to make itself felt, than it became apparent that most of the timber producing areas were in private ownership; and it was through the practices of these private owners that the agencies of forest destruction and devastation made their headway.

The conservationists upon this realization began casting about for adequate means for preventing this forest devastation. Their efforts were for many years extremely feeble as far as the private owner was effected. In the beginning, it was assumed that the only alternative was for the public to control private cutting, since the private owners were not willing, of their own accord, to cease their present practices.

As soon as the idea of public control had taken root, the leaders of the movement began to advance proposals as to how private cutting was to be controlled. Immediately there was a difference in opinion which caused quite a turmoil and eventually a split within the ranks of the conservationists.

It is the purpose of this thesis to trace the reaction to this turmoil within their ranks, and to give the legislation that resulted from their various proposals concerning public control from the time of their first effort to the present.

The subject of public control has been, and is, of vital importance in the formation of a national forest policy. It is for this reason that this subject alone is herein given primary consideration.

The author in the time available has attempted to bring together the major problems of this issue in a concise and accurate account, including the more important conclusions and accomplishments that have resulted with the full or partial solution of these problems.

Public Control of Private Cutting

As early as 1903 the idea of conserving the nation's resources was being made known. This was partly due to the recent forestry movement at that time and partly from a waterway movement. The idea took form in President Roosevelt's address before the Society of American Foresters on March 26, 1903.(35) In this address he draws attention to the necessity of preserving the forests, not as a means to an end in itself, but as a means of preserving the prosperity of the nation. President Roosevelt's statements at this time did little more than suggest and forecast a National duty. Conservation as a single problem and as a basis for National Policy was outlined more clearly in his address of June 10, 1907 before the National Editorial Association.

The text of this address was that "in utilizing and conserving the natural resources of the Nation the one characteristic more essential than any other is foresight." He went on to say that the Nation was thinking too much of the present and had permitted the reckless waste and destruction of much of the National wealth. Gifford Pinchot was Chief Forester at that time and President Roosevelt gives him credit for suggesting many of the courses which had proved beneficial, and one of these was the appointment of the Inland Waterways Commission. It is to this Commission that we are indebted to for the Conference of Governors for it was this Commission that suggested that

the Conference be held for the purpose of discussing the condition of our natural resources.

In President Roosevelt's address (35) was crystallized the idea of conservation. In this address he emphasizes the immediate danger of exhausting our natural resources, especially our forests. He suggested a remedy which would take the form of State regulation. This proposal came from the remedy suggested by the people of the State of Maine.

The people of Maine ask for a law regulating the cutting of timber. The larger land owners of the State were observing a policy of careful and economic cutting on their land, but some of the southern counties, in the desire for immediate returns, were showing a tendency toward stripping the lands; injuring the owners and the water powers upon which the forests largely depend. Therefore, "as a result, some of the people of that section realizing the great value of their forests to the State from a commercial standpoint, the preservation of its valuable water powers, and the general utilities of public interest, ask for a lawto prohibit the cutting of spruce and pine of a size below 12 inches on the stump."(17)

There was a great deal of opposition to this measure by the members of the legislature. The majority of this opposition evolved around the question of whether or not such an act would be constitutional or not. To settle this question an order was issued by the legislature asking the Supreme Court of Maine for an opinion as to the constitu-

tionality of a law of this type. There opinion was to be based on the following questions:

1. "By public general law to regulate or restrict the cutting or destruction of small trees growing on wild or uncultivated land by the owner thereof without compensation therefor to such an owner.
2. To prohibit, restrict, or regulate the wanton, wasteful or unnecessary cutting or destruction of small trees growing on any wild or uncultivated land by the owner thereof, without compensation therefor to such an owner, in case such small trees are of equal or greater actual value standing and remaining for their future growth than for immediate cutting, and such trees are not intended or sought to be cut for the purpose of clearing and improving such land for use or occupation in agriculture, mining, quarrying, manufacturing or business or for pleasure purposes or for a building site; or
3. In such manner to regulate or restrict the cutting or destruction of trees growing on wild or uncultivated lands by the owners thereof as to preserve or enhance the value of such lands and trees thereon and protect and promote the interests of such owners and the common welfare of the people?
4. Is such regulation of the control, management or use of private property a taking thereof for public uses for which compensation must be made?"

In rendering their opinion the justices of the supreme court found that the legislature has by the constitution of Maine "full power to make and establish all reasonable laws and regulations for the defense and benefit of this state, not repugnant to this constitution nor that of the United States." The legislatures duty to determine from time to time the occasion and the laws and regulations necessary for the defense of the people. These laws were to be held valid, unless there could be some provision in either the State or United States constitution that prohibited them, regardless of the inconvenience to particular persons or corporations.(17)

As to the proposed laws and regulations, the only possible application of the United States constitution would be the XIV amendment. This is settled by the United States supreme court when it stated that "neither the amendment, broad and comprehensive as it is, nor any other amendment was designed to interfere with the power of a state,, to prescribe regulations to promote the health, peace, morals, education, and good order of its people, and to legislate so as to increase the industries of the state, develop its resources and add to its wealth and prosperity."(17)

The only provision in the state constitution that could be invoked against the proposed legislation would be the "garanteed right of acquiring, possessing and defend-

ing property" and the provision that "private property shall not be taken for public uses without just compensation." Therefore, if the proposed legislation would not conflict with this provision in the state constitution it would not conflict with the United States constitution.

The proposed legislation would not discriminate between persons or corporations but only between things and situations, with a classification not merely arbitrary but based on real differences in the nature, condition and situation of things.

The important question of what constitutes a taking of private property in the constitutional sense of the term has been much considered and variously decided. The courts of Maine and Massachusetts, both states having adopted the same provision in succession, have uniformly considered that it was to be construed strictly as against the police power of the legislature.

The supreme court submitted various test cases where the legislature had prohibited misuse of private property that would be injurious to the public. The court held "that the statute did not operate to take property within the meaning of the constitution, but was a just and legitimate exercise of the powers of the legislature to regulate and restrain such particular use of property as would be inconsistent with or injurious to the rights of the public." The court further ruled that it was a settled principle, "growing out of the nature of well ordered society, that

every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall be so regulated that it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community."(17) The legislature does not appropriate private property to public uses, but merely regulates its enjoyment. All of these former decisions of the supreme court were an indication of the opinion they would express in regard to the proposed legislation. The supreme court did not think that the proposed legislation would operate to take property. "It might restrict the owner of wild and uncultivated lands in his use of them, might delay his taking some of the profit, and even thereby might cause him some loss of profit, it would nevertheless leave him his lands He would still have a large measure of control and a large opportunity to realize values. He might suffer delay but not deprivation."(17)

The consensus of opinion in Maine was definitely against radical legislation. The opinion was then as it was ten years later that the same end might be accomplished through adequate fire protection. The proposed legislation was too stiff for good application and flexible rules might have resulted in legislation at that time instead of just an opinion. The Supreme court will usually uphold the State in any reasonable demands.

After this consideration of State regulation and the subsequent emphasis put on conservation by President Roosevelt, public opinion continued to grow in all parts of the country. It was, however, not until 1919 that various opinions were forthcoming on this subject of conservation.

Leith(18) in talking of the conservation of "Mineral Resources" says that the essence of the matter(conservation), if not its sum and substance, is the husbanding of these and similar resources that are nonrenewable, mainly by reducing waste. Strictly speaking this may not deal with timber resources but the idea behind this statement is applicable; because, although timber can be renewed the way it is being treated now there is no thought of renewal. Therefore, one way to solve this problem is to reduce the unnecessary waste. Leith continues with "private enterprise and natural play of economic forces are working strongly in this direction. The most promising field for the use of the powers of government to the same end is that of cooperative, not antagonistic, activities." This idea coincides exactly with Colonel Graves' ideas for a national policy, and at the same time is directly opposite to the proposals advanced by Gifford Pinchot. Earlier in this book one of Leiths' colleagues praises Pinchot for his active part in starting this conservation movement; but evidently the authors disagree with him as to how this conservation of our timber resources should be accomplished. Leith defends the private owner by saying that there

is little to fear from private monopoly because the reserves are too great to be successfully controlled. Greater concentration of control and greater freedom to enter into combinations, accompanied by public regulation of a reasonable character would have its advantage.

Conservation is a word of many uses. Its present popularity was gained as the result of a great public awakening to the need of a new attitude toward our natural resources. Those who initiated and led this movement knew very definitely what they were after and what kind of a fight they were in for; but it was "good strategy to mask the attack on the citadels of privilege while the crusade was gathering momentum and to join the battle on new ground." Here again is the word "fight" and this time someone else has recognized the struggle that was coming. The other mention of the word "fight" will be taken up later. (18)

Gifford Pinchot has said "one of the beauties of calling this the conservation movement is that nobody can reasonably say that he is against conserving our resources." In the initial stages conservation swept the country. The idea behind the word supposedly denoted waste. The truer denotation of the word, however, is monopoly. Conservation challenged the right of capital to control the development of the country in its own interest. It did so on the ground that important interests of the public were being sacrificed, and that it was both right and necessary for the

nation to protect the interests of the public. The goal of conservation was more than the prevention of waste, the safeguarding of resources against unnecessary destruction or misuse, and the increase of their capacity to serve the public. It was an assertion of the public interest in such a handling of the resources as would result in the greatest good to the greatest number. The idea of conservation as it was conceived in the Roosevelt days, using as its base sentimentalism, has changed. In its place has been substituted a new, intellectual conception; the necessity for better conditions for the sake of national efficiency.(18)

The bulk of the forest lands in the United States are in private ownership and are being used most unwisely from the standpoint of the public and the private owners alike. Olmstead(31) refers to the lumbermen as "stupid" for recognizing this fact and failing to do any-thing about it. He continues by conjuring up a picture of the devastation and the eventual outcome of the present practices in the lumber industry. He agrees with Colonel Graves that the people think that because we are practicing forestry on the national forests the problem is near a definite solution. This is not true and Olmstead proceeds to tell in no uncertain terms that it is not true. His whole attitude resembles that of Gifford Pinchot. This is perhaps understandable when one becomes aware that at this time Olmstead was President of the Society of

American Foresters and it was under him, and to him, that the Committee for the Application of Forestry reported. This committee was headed by Pinchot whose radical tendencies are more pronounced than Olmsteads.

Olmstead brings up two very important questions and makes a stab at solving them. "The immediate problem before us, therefore, the one problem of vital importance to the advancement of forestry in the United States, is how to plan for and bring about such reasonable management of privately owned forests as will guarantee ample and conveniently accessible supplies of wood for the country in the years to come. The question of who ultimately should own the forests of the country must also be solved and solved with all due expedition. The question of future ownership is extremely complicated and cannot be finally settled for many years; the question of keeping forest lands productive is fairly simple and should be settled without delay." For the answer to this latter question the Committee for the Application for Forestry was formed. The results of this committee are given later on in this paper.

"When we come to consider the problem of whether forest lands should be ultimately in private or public ownership, the question should be approached from the standpoint of the best interests of the whole country. It might be determined that the individual owner of for-

est prosperity could not advantageously serve the public interests in the long run. He is not, as a rule, in a favorable position to invest large sums returning low *interest* after long periods, assuming hazards which are often serious. It might be concluded that forestry from its very nature was an enterprise most favorably handled by collective interests on a large scale. If such a conclusion were reached, we should then face the decision as to whether this collective interest should be a combination of lumbermen or Government." It has been proposed, for example, that in lieu of Government ownership the lumbermen of the country should be allowed "to combine, forming one great association, or syndicate, or trust. This would facilitate the borrowing of capital, and the control of production, distribution, and prices, thus placing the lumber industry on a more stable financial basis than at present and offering every inducement for the management of forests in continuity In return for such a privilege this proposed trust would agree to conform to certain standards of business management, labor management, forest management, and treatment of the public, Admission to such a combination and the standards required would be in the hands of various departments of the Government and the organization would be controlled by a board, upon which the Government would be represented to the meager proportionate extent of its

own timber holdings. Once organized and instructed, this syndicate would be trusted to work out its own fate and the fate of the public without upper-handed control by the Government."(31)

Having what might be considered a cure-all Olmstead proceeds to tell why it wont work. From past experience there is little encouragement for the success of collective enterprise on such a basis. Lumbermen of the country have proved themselves incapable of managing their own industry efficiently even from the standpoint of their own business interests, and this is one of the reasons which would make this program doubtful. Another is that managing their forests for continuous production, which is of prime importance to the public, would become of little importance if it would conflict with the financial gain of the owner. Under such a set-up the control exercised by the Government would be inadequate for the protection of public interests.(31)

A situation of this kind in order for it to be a success would have to be brought under one head and to do this would require a tremendous amount of capital, more than any one group could raise.

In addition this idea is almost the exact opposite of that of conservation, which does not approve of monopolies, and which a lumbermens' combination would surely lead to. The bickering between the two factions within the party is

now becoming evident. Olmstead like Pinchot says that "persuasion has failed resulting in little more than mild amusement on the lumbermen's part." Other than food for thought the ideas advanced by Olmstead are too radical to be of practical use.(31)

Other than these two proposals, which give an impetus into the trend of the conservation movement, there was nothing accomplished. The continued devastation of our privately owned forests has resulted in a critical situation. There was a time when the destruction of a tree was regarded as a public service but that time is long past. Foresters, and men vitally concerned with the welfare of the nation's forest resources, have long been aware of the dangerous aspect to our social and economic interests, in regard to the continued misuse of privately owned forest lands and the resultant idle wastes from once productive forest lands.

These men were sufficiently farsighted to observe the ultimate outcome of this practice. Through the combined efforts of such men the fight to conserve our forest resources on the public domain has been won. The National Forests are so firmly entrenched and established and their management so thoroughly approved by the public that any attempt to turn them back to the private owner would only result in extending the policy of public ownership still farther.(33)

Prior to 1919 there was not much sentiment for public control of private forest lands, except within a small group. It was taken for granted that there would always be enough timber to supply the country indefinitely.

Gifford Pinchot(33) states in reference to a timber shortage and ultimate public control that "already it has begun to work a distinctly measurable hardship on every citizen. It is wholly irrelevant to discuss at just what time in the future our remaining supplies of virgin timber will be exhausted for the pinch comes long before complete destruction. As a matter of fact it is here now, in the form of shortage of wood, with accompanying high prices and the public pays the bill. The situation demands action, not talk, and the only problem before us is to decide what sort of action is the best Forest devastation will not be stopped through persuasion, a method which has been thoroughly tried out for the last twenty years and has failed utterly. Since otherwise they will not do so, private owners of forest land must be compelled to manage their properties in harmony with the public good. Pressure from without, in the form of public sentiment, crystallized in compulsory nation-wide legislation, is the only method that promises adequate results. To apply this method means a fight."

There are some lumbermen who are progressively minded and farsighted enough to realize that forest destruction must stop. These men are willing to cooperate and share their load, providing all lumbermen are placed on a uni-

form basis.

Gifford Pinchot was the first one that really stated the question without avoiding the issue, and went so far as to say that he who is not for forestry is against it. The issue is real and immediate because forest devastation progresses with appalling rapidity. The choice lies between the convenience of the lumbermen and the public good.(33)

Pinchot has really said something in this article of his. Public opinion had been drifting along until this time without much concerted effort. Through his statements the whole problem was crystallized and the issue brought to a head.

The repercussions and responses to this statement were immediate and varied. H.S. Graves, who at this time was Chief Forester, had been very active in his efforts to secure the adoption of a reasonable forest policy. A few months prior to Pinchot's call to the "faithful" for a "fight", Graves gave his summary of the situation as he saw it. The difference in the attitudes of these two men, who were the leaders of this movement, is outstanding for its contrast.

Due to the building up of our public forests in recent years the tendency has been to relegate to the background the problems of our private forests.(19) The majority of the people at this time were under the im-

pression that because of the great magnitude of the National Forest program the problem of forestry is on the way to a definite solution. The importance of the protection and correct handling of our private forests must be realized and, also that this issue is still before us. How important this problem really is will be recognized when one considers that 97 per cent of the timber and other wood products come from private forests. Private owners own four-fifths of the timber in the country, and this is the best and most accessible timber. The war called attention to the situation and condition of our remaining timber supplies. Graves states that "we may not expect a repetition of such a grave emergency as we have just passed through, but we would be unwise indeed if we failed to recognize that the sources of timber supply upon which we have relied are being greatly depleted, with far-reaching economic and industrial consequences."(19)

The present interest in forestry by private owners and the operation of State forest laws are not likely to bring greatly changed conditions in the future. A change cannot be expected unless a much more comprehensive and effective program is adopted by the public, and there is a radical change in the point of view and methods on the part of the private owners. There are some timberland owners who are making an effort to handle their lands constructively and to these owners a great deal of credit is

due. Credit is also due to the State foresters and their supporters for what they have accomplished in the face of indifference and even hostility on the part of the public. When we stop to consider the magnitude of our forests, what has been accomplished is small indeed. Even organized fire protection is not sufficient because where it is practiced it is only applied to the merchantable timber and the young second growth is not bothered with.(19)

Timberland owners feel that they cannot change their present policies, because they have purchased the land to exploit the timber with no thought other than immediate destruction. Their economic set-up is such that in many cases even if the will were there they would be unable to practice forestry. Most timberland owners do not intend to hold their lands after cutting, and they see no reason why they should spend money to secure public benefits or to avoid injury to the community. The speculative character of the ownership explains the reason for this attitude and it is not to be expected that the private owners will take any different view, as the situation is now, on their own initiative.

In seeking a solution to the forestry problem on private lands, it should be recognized that its very character is such as to require public participation, assistance, and direction. The public should insist through adequate legislation that the destructive processes be

stopped, and that methods be adopted which will leave the forest in a productive condition. To secure these ends there is necessary a broad program that is practicable based on the consideration of the present economic conditions.(19)

Graves(20) continues with "a national forest policy must recognize the problems of the private owner of forests. Greater security of forest property from fire, better returns from the timberland in the long run, and more stable industrial conditions must be sought. A program in which the public participates and recognizes industrial problems, like taxation, would enable private proprietors to handle their own forests in a way that would result not in public injury but in making these forests serve in building up the localities in which they are situated."

In order to safeguard and perpetuate the forests on private lands an organized system of protection should be inaugurated. This would be possible through prohibition of destructive agencies that produce waste lands, and through the promotion of constructive and practical measures of forestry. "The participation, liberal cooperation, and direction of the public in working out the problems involved are necessary for success." When speaking of "liberal cooperation" Graves is referring to such measures of assistance and cooperation as fire protection, assis-

tance in forestry, taxation, forest loans, survey of forest resources, land classification, research work, and forest insurance.

The initiation of a national forest policy must start with the passage of a Federal law that recognizes the objectives and provides the Government with authority to extend cooperation with the States in protecting and perpetuating the forests.(20)

It is necessary that the Government lead the way in organization. The public is justified in its interest in direct public ownership of extensive areas, and also its participation in solving the problem of protection and removal of private forests. The Government alone can bring about concurrent and harmonious action with given regions. Representing the whole nation, the Government can stimulate and guide local action where individual States by their own efforts would fail. The States have not only the function of handling the public forests owned by them, but they also have a direct responsibility in the protection and continuance of private forests. The legislation affecting private forests should be through the States and the cooperation of the States with the Federal Government.

The two attitudes most prevalent at this time concerning public control had been pretty well emphasized and discussed. It was time now for some definite proposal to

make its appearance in the form of a legislative bill. More as a test of public opinion, on its attitude toward conservation, than anything else was the introduction of the Poindexter bill(34) in the Senate on December 12, 1919. This bill authorized "the Secretary of Agriculture to make a survey of the pulpwoods on the public domain and to prepare a plan for the reforestation of pulp-wood lands, and appropriating the sum of \$1,000,000 for these purposes." Cameron(11) is of the opinion that in ordinary times this bill would have had a chance of passing but as it was the bill died in Committee.

Following this statement of forest policy by Colonel Graves came the "Report of the Committee for the Application of Forestry" under the chairmanship of Gifford Pinchot. This Committee was appointed by Fredrick E. Olmsted, then President of the Society of American Foresters, "to recommend action for the prevention of forest devastation on privately-owned timberlands in the United States.(16)

In the Letter of Transmittal, Gifford Pinchot compliments Colonel Graves on his definition of a national forest policy and adds that "the program advocated by Colonel Graves and that recommended by the Committee differ in certain respects. Colonel Graves himself, however, is the authority for the statement that while we differ in details we are working together, and our purposes are the same."(16)

At this time, it is true, the ultimate goal was the same for both factions. Pinchot, as usual, further adds that this goal "must be the goal of every forester and timber owner who has the perpetuation of our timberlands truly at heart."

There is certainly no doubt that both of these men, and their supporters, were striving after the same ideal, but their methods of accomplishing this were in the extremes.

Around this time Colonel Graves was initiating a series of conferences, with the forest agencies and with representatives of interested organizations, by which he hoped to lay the ground work for a national policy. He announced the origination of these conferences before the American Lumber Congress held at Chicago on April 16, 1919. The result of these conferences is the national forest policy that he presented before the Forestry Congress of December, 1919. During all this time when Graves was advocating a national policy his attitude was never dictatorial. He presented the problem in a fair manner and was quite frank in his statements. He was a great exponent for cooperation between Federal, State, and private agencies; feeling that that was the only way to solve this problem.

Gifford Pinchot was never of a conciliatory nature and his attitude showed it. He did not advocate cooperation

but compulsion, and the more compulsion the better. He states in his article "The Lines are Drawn" that "persuasion has failed utterly." The cooperation doctrine which Colonel Graves was advocating is nothing more than a method of persuasion and Pinchot's remark seems to be nothing more than a "black eye". It is the authors opinion that this article was responsible for the open rift that occurred within the body of conservationist and resulted in two distinct movements.

The Committee, of which Pinchot was chairman, did not endorse any of the policies that had been advanced so far; instead they submitted a plan of their own. The plan itself was very radical reflecting the attitude of the committee preparing it; especially Pinchot's and Olmsted's, the latter having appointed the committee. In submitting this suggested plan Pinchot, in his Letter of Transmittal, attempts to soften the radicalism and appease the private owner, at whom the plan was aimed, by stating that " in presenting its views the Committee was not prompted by any ill-feeling toward the great industry in the perpetuation of which the Society of American Foresters is most concerned. ***** we have no personal material interests to defend. Our sole purpose has been to get to the root of the problem, to see the situation as it really is, and to suggest remedial measures which would protect the interests and meet the needs of the nation as

a whole."(16)

However, after saying that the Committee had no quarrel or ill-feeling toward the lumber industry, they then proceed to antagonize the private owner by laying the cause of devastation at his door.

The Committee's report proceeded to give a picture of the forest situation that was far from encouraging to contemplate. They pictured the timber shortage that was already here and one that was growing steadily worse. Nothing that has been proposed so far has helped in the least and the present situation has grown out of the belief that there would always be enough timber. Since the privately owned forests have the bulk of the merchantable timber on them, and that they are the ones that are being devastated at such a rapid rate with complete disregard for the future; it is this devastation that the Committee feels must be stopped. They say that the public must interfere on its own behalf because the forests are essential to the safety of the nation, and the forest industries are making no effort to insure their perpetuation.(16)

The Committee then proceeded to give its proposed plan which was followed by suggested legislation. The gist of the "proposed plan" was to secure a national timber supply by forbidding the devastation of privately owned forests and by promoting conditions necessary to keep these land permanently productive. They proposed to stop

this transformation of productive forests into idle wastes by acquisition and intelligent handling of forest lands for public purposes; since the lumbermen will not do anything about it as they are now organized. The ownership of forest land carries with it a special obligation not to injure the public. The lumber business has been so conducted as to inflict great and lasting injury upon the public. The steady operation of the lumber industry is of vital concern to the public and to this end the Government should always be fully informed on the chief facts relating to the business conditions of this industry; the lumber industry should be willing to exchange ideas, adjust differences between labor, management, and the public; and finally the Government should be empowered to control the industry in times of economic stress. The proposed plan would take the power to control the forests away from the States because the States could not effectively deal with the situation. The power to remedy this situation would be given to the Federal Government. The Committee does unbend a little when they say that the cooperation of the States is essential but that the problem is national and should be considered as such when dealing with it. National legislation should have public control over private forests to the extent of preventing devastation; to stabilize the forest industries so they will be in harmony with public interests; and finally to transfer

the control back to the private owners when they become ready and willing to do as they are told, the Government, of course, acting in a supervisory capacity.(16)

After giving their plan the Committee followed this with suggested legislation. This legislation would take the form of a Federal law which would further the proposals put forth in their plan. This law would create a Commission, to consist of the Secretary of Agriculture, the Secretary of Labor, and the Chairman of the Federal Trade Commission, with the duty of making such rules, regulations, and decisions for the administration of the law as may be necessary, the Secretary of Agriculture to be Chairman of the Commission and the execution of the law to rest with the Forest Service under his direction.(16)

The Commission would be authorized to establish regional administrative organizations to coincide with the principal forest regions of the country. These organizations would be in charge of the regional foresters who would enforce local applications of the law.

The Commission was to fix standards and rules to prevent the devastation and provide for the continuance of forest growth and production of timber crops on private forest land. The farm woodlots were to be exempted. These standards were to relate to principles and general methods only, allowing as much variation as possible to apply to local conditions. The object of the standardiza-

tion would be to put an end to forest devastation, and to place the lumber industry on a uniform basis.

The Commission was empowered to require standard accounting systems, reports on production, orders, shipments, sales, distribution, stocks on hand, and costs and returns.

The Commission would withdraw its supervision and only make occasional inspections, whenever an organized forest unit had proved itself capable of taking direct charge of the work with assurance that the standards would be kept. To help insure the keeping of the standards the Government retains the right to renew its supervision when necessary.

The Commission was also authorized to control production, whenever necessary and to sanction the co-operative combination of lumber manufacturers for all purposes resulting in economies in production and marketing whenever such a combination would promote the public interest.

In addition to control of private industry, the suggested legislation allowed for the acquisition of forest lands, both timbered and cut-over; co-operation with the States in protection, particularly fire, acquisition, and taxation; giving the Secretary of Agriculture full control of the operations on the National Forests; creating forest insurance agencies, a Forest Loan Board, and Forest Loan Banks; granting official recognition to regional and national councils of lumber employers and employees, who were

to consider and adjust problems between employer and employee.

And finally the Committee provided, with appropriate and adequate penalties, for the enforce of the law. These provisions would prevent any cutting contrary to the law, require a Federal license, without which cutting could not be done; prevent cutting on the watershed of any navigable stream; and lastly, a tax on incomes of those private owners who remove timber contrary to the provisions of the law.

To say the least the Committee's recommendations were radical. Under this plan the private industry would be regimented and instead of controlled would be practically dictated to by the Federal Government through the Forest Service. The sum and substance of this proposed legislation would give the Forest Service complete control over all the forest affairs of the nation, public and private alike.

The Committee was not all entirely in favor of the report. They all signed it but two of their number proceeded to object. One of them thought that the lumber industry should not be held responsible for such conditions existing and the other proceeded to give his own ideas. The whole idea behind his objections was mildness and all through his statement creeps the word "co-operation". It is no wonder that he was "not entirely in accord with the fundamental principles" of the report.(16) Cameron(11) re-

fers to them as "mild reservationists".

As if in preparation for a legislative attempt embodying the principles of the "Committee for the Application for Forestry", Senator Capper, on February 21, 1920, offered before the Senate a resolution calling on the Secretary of Agriculture for certain information in regard to the forest resources of the United States.(5)

This information was to be supplied by the Forest Service through the Secretary of Agriculture. This gesture of Senator Capper's was only a resolution but according to Cameron(11) was "one of the noteworthy moves of the policy campaign". This is because before any definite legislation could be brought out effecting the private owner actual forest conditions would have to be known. A generalization of the forest situation had been given, and was given every time a new policy proposal was advanced, but actual data relating to the forest situation coming from a recognized authoritative source was essential. The Capper Resolution as it was introduced reads:(5)

"Whereas it has been reported that the forest resources of the United States are being rapidly depleted, and that the situation is already serious and will soon become critical; and

whereas these alleged facts are either largely unknown to the public or in dispute: Therefore be it Resolved, That the Secretary of Agriculture be, and he is

hereby, directed to report to the Senate on or before June 1, 1920, on the following matters, using what information the Forest Service now has available, or what may be obtained readily with its existing organization.

1. The facts as to the depletion of timber, pulpwood, and other forest resources in the United States.
2. Whether, and to what extent, this affects the present high cost of materials.
3. Whether the export of lumber, especially hardwoods, jeopardizes our domestic industries.
4. Whether this reported depletion tends to increase the concentration of ownership in timberlands and the manufacture of lumber, and to what extent; and if such concentration exists, how it affects or may affect the public welfare."

This resolution, after some discussion, was agreed to. It is interesting to note that this resolution delved into every phase of the problem; including the information sought by the Poindexter bill with regard to the pulpwood situation, but what is more significant is the obvious fact that the inspiration for this resolution came from Pinchot's report "the Lines are Drawn". The wording of the reasons for the resolution are almost word for word from this article.

A little more than two weeks after the passage of this resolution, or about the time that this resolution

reached the Forest Service, Colonel Graves resigned as Chief Forester. There may be no significance in his resigning at this time but it does seem strange that he would resign just when Pinchot's antagonistic policies seemed to be taking effect. Cameron(11) is of the opinion that the fact that he resigned at this time was not significant in any way and that the reasons he gave for surrendering his position were true ones. An additional point of emphasis on this subject is that the man who succeeded, Colonel William B. Greeley, had ideas that paralleled his own. This is especially true in Greeley's attitude toward a national policy.

Following a few months after the Capper Resolution came the first Capper bill. This was the first of many bills sponsored by Senator Capper and was introduced into the Senate on May 20, 1920. This bill was "to prevent the devastation of forest lands, to perpetuate the forest resources of the United States, to avert the destruction of the lumber and wood-using industries, and for other purposes." (6) Here again was the influence of Gifford Pinchot felt because this bill was in reality the "suggested legislation" of the "Committee for the Application for Forestry" reworded for legislative use. There is a long list of whereases following, with the final one reading: "whereas the devastation of privately-owned commercial forest land is chiefly responsible for these conditions

and can be prevented."(11)

Senator Capper was the guiding and driving influence behind these early legislative attempts but his bills were all too radical. This was to be expected, however, because of the very apparent source of the ideas around which the legislation was constructed. This radicalism for which his bills are noted did decrease with each succeeding effort. This first Capper bill provided for a "Federal Forest Commission" which was to be composed of the Secretary of Agriculture, and Labor, and the Chairman of the Federal Trade Commission. In this proposed new Commission was to rest the execution of the new law. The Forest Service was instrumental in giving this Commission the execution of the new law. This execution of the law was to be direct, as recommended so often by Gifford Pinchot and his followers.(11)

Cameron(11) states that the "States and their police powers, and constitutional guarantees were disregarded. The Commission was to make its rules concerning private cutting, protection, etc., and then enforce them when, where, and how it pleased." It could exempt the lands of what it considered good lumbermen at pleasure, but it could also, at will, remove the exemption. This Commission, through the policy of the Federal Trade Commission, was to concern itself with the inner-most affairs of the lumber business. Any reports that might come out of these

investigations were to be held in strict confidence. In addition the Commission would have the right to permit combinations of lumbermen; engage in lumbering on the national forests; and to inspect the records of any Government department which might pertain to the Commission's functions. For those persons who did not wish to abide by the rules of the Commission there were good stiff penalties provided. As this proposal is reviewed, it is very noticeable that it was related more to Gifford Pinchot's policy than to sound thought on the part of others.

The rift that had occurred in the party, as has been mentioned, has long since developed into an open break. Every step that was taken, by either faction in this policy campaign, carried them farther apart and no doubt caused considerable dissention within the ranks. Pinchot and his followers were all blaming the lumbermen as the chief cause for the continued misuse and devastation of the private forest lands. It is true that they had a big share in this devastation, but for the majority of it they were forced to do this by factors beyond their control. The radicals would force the private owner to stop this devastation regardless of the effect on him. The farsighted men of that day and the real thinkers were well aware that the private owner was not the chief cause of this continued devastation. This group of men would attempt to cor-

rect these factors in co-operation with the private owner and through this means allow him to regulate himself. The ideas along this line will be brought in later.

Nothing came of this first Capper bill and it died in Committee. In all probabilities this bill would never have passed because of the direct control specified. This direct control would have trespassed on the police power of the State.

The answer to Senate Resolution 311(Capper Resolution) came after the introduction of the first Capper bill. An exhaustive survey of the situation could not be given in such a short time. It would take the better part of two years to prepare a complete report, which was strongly recommended. This report went on to point out that of the original forest area in the United States, over two-thirds had been culled, cut-over, or burned; and of the original stand of timber over three-fifths has been used. The timber is being cut every year at a rate that is four times the growth.(48)

The crux of the whole matter of timber depletion is the exhaustion, or partial exhaustion, of the forests most available to the great bulk of our population. The true index of timber depletion is not quantity but availability.

The high prices being paid for lumber at this time were not due to a marked scarcity in lumber, as some people would lead others to believe. These prices rose in

response to a demand which the supply was not adequate enough to meet. The end of the war allowed many things to loosen up and among these things was building, with the result that the lumbermen were caught unaware with insufficient stock on hand to meet this increased demand.(48)

The concentration of timber ownership has not changed very much. It being about as it was a decade ago, from the time that this resolution was answered. Over one-half of the private-owned timber in the United States is held by a very small group of private owners. This is especially true in the west. There has been a tendency for the small mills to disappear and their timber holdings absorbed by the larger holdings. Whether this will result in a monopolistic tendency is uncertain. This report states that "no information is at hand which would justify a conclusion that monopolistic conditions on any general scale have grown out of this situation. There are many instances to the contrary. On the other hand, the degree of control of the timber remaining in the United States exercised by a comparatively small number of large interests will steadily increase as timber depletion continues, approaching a natural monopoly in character, and this control will extend particularly to the diminishing supply of high-grade material."(48)

The report continued with a remedy for this continued devastation of our forests. The plan outlined is built upon the belief that the most rapid progress will be made by util-

izing the recognized police powers of the several States to stop forest fires and bring about better handling of privately owned forest land. The equitable adjustment of timberland taxes in such ways as will promote timber production is a responsibility of the individual States. At the same time the national importance of stopping timber depletion calls for the assuming of an active part by the Federal Government, particularly in aiding the forest activities of the States, standardizing technical practice in fire protection and forest renewal, forest research, and largely extending national acquisition of forest land.(48)

This report was prepared by the Forest Service, of which Colonel Greeley was Chief Forester, and therefore, the opinions expressed above are in the main his own. This is the first statement of his ideas on forest policy that he has made in his official capacity, and they are comparable to those of Colonel Graves. The report enlarges on these provisions for Federal legislation and for the most part they are about the same as those included later in the Snell bill.

The first Capper bill, having been introduced too late into Congress for anything concrete to come of it, was considerably revised and re-introduced into Congress on May 2, 1921.(7) The revamping process had eliminated the scheme of direct federal control of private timber lands. The opinion of the legal minds was so strong as to the

unconstitutionality of this proposal that the sponsors of the bill permitted it to die. They sought to substitute in its place federal control of private cutting through taxation. The theory of this legislation was something new, that is control through taxation. This theory was before the country in the form of the "Tax on the Employment of Child Labor" which sought to reduce the employment of child labor through taxation. It was thought that by the same means the cutting on private timberlands could be controlled.

This second Capper bill was titled the same as the first bill, that is, "a bill to prevent the devastation of forest lands, to perpetuate the forest resources of the United States, to avert the destruction of the lumber and wood-using industries, and for other purposes." (7) This bill provided for the imposition of an "excise tax on the privilege of franchise of conducting the business of harvesting forest crops". A government agency was to set-up certain requirements by which the private owners were to abide by. If they did abide by the conditions laid down and conducted their business accordingly, they were to be taxed five cents per thousand feet of lumber cut. However, should the private owner not comply with the requirements of the government agency then he would be taxed or have to pay five dollars per thousand feet of lumber cut or for the privilege of operating.

Except for the labor clauses which were omitted, the new draft was essentially the same as the first Capper bill. Farm woodlots were exempt; the penalties for infraction and non-conformance were about the same; co-operative fire protection was provided, with the restriction to the watersheds and navigable streams removed. The language of the second bill was less severe than the first, and this severeness is noticeably decreased with each succeeding bill. As usual this bill did not give the private owner a chance, he either had to conform or pay the penalties; neither of which was especially nice to contemplate.

The Hearings on this bill had pretty well torn it to pieces and the decision of the United States Supreme Court, in the so-called Child Labor decision, finished the second Capper bill. Cameron on this point states that "the possibility of federal control of lumbering in all parts of the United States, to the exclusion of local police powers, was disposed of by the Chief Justice Taft when he pointed out that if the child labor law were valid there was nothing to prevent Congress arrogating to itself complete control of any subject of public interest, regardless of whether the State had never parted with jurisdiction thereover, and regardless of whether jurisdiction was reserved to them by the Tenth Amendment. A detailed measure of "regulation" of the subject enforced by a so-

called "tax" upon departures from it would do the trick. "To give such magic to the word 'tax'," declared Mr. Taft, "would be to break down all Constitutional limitations of the powers of Congress and completely wipe out the sovereignty of the States".(11)

The end of the second Capper bill was the last effort of the radicals to sponsor any legislation for awhile. The addresses and conferences of which Graves spoke, and which have already been referred to, were not without effect upon the large forest interests. The majority of these large forests interests gave this question of what to do very serious thought and appointed committees to study proposals. These committees were also empowered to hold conferences with others that were interested in this subject. The Committee of Conservation of the American Pulp and Paper Association requested Colonel Greeley, shortly after he had taken office, to put forth his ideas on a policy in some form that would enable the various wood-using industries and private owners to consider them. This resulted in considerable parleying and discussion, out of which came the appointment of the National Forestry Program Committee. This Committee was composed of representatives of the Western Forestry and Conservation Association, the Society for the Protection of New Hampshire Forests, the American Newspaper Publishers Association, the National Lumber Manufacturer's Association, the American Paper

and Pulp Association, the Association of Wood Using Industries, the American Forestry Association, and the National Wholesaler Lumber Dealers Association, which includes about every important private interest in the United States.(11)

This Committee, who was representing the private interests, drafted for themselves legislation embodying the idea of co-operation, the very principle that Colonel Graves had been harping on so long. Colonel Greeley attended these committee meetings, by request of the Committee, as a representative of the Forest Service. The organization of this legislation was completed and drafted into a bill which was introduced into the House by Representative Snell of New York on December 22, 1920.(42) This bill represented the first concrete agreement between the private owners, consumers, and the Forest Service upon the basic principles for a law to bring about a national forest policy.(11)

Congress was too near the closing of its session for any definite accomplishment concerning this bill. The idea, however, had been given a start, which it was thought justified the means. The bill was^{to} provide, through co-operation between the Federal Government, the States, and the owners of timberlands, for adequate protection against forest fires, for reforestation of denuded lands, for obtaining essential information in regard to timber and tim-

ber lands, for extension of the national forests, and for other purposes, all essential to continuous forest production on lands suitable therefor."(41)

Since, as was expected, there was no progress toward a definite action taken by Congress on this bill, it was re-introduced on April 11, 1921 in practically the same form as it was originally. The bill authorized the Secretary of Agriculture, through the Forest Service and in cooperation with the timber interests to make a complete nation-wide survey of the timber situation with a minimum amount of speculation. It provided for an extension of forest research, especially in cutting and reforestation, and the effect of taxes upon forest renewal. It provided for an enlargement of the purchasing program for forest lands and widening the provisions of the Weeks Act to include land anywhere in the Continental United States, and the areas under this provision would not necessarily be for the promotion of stream navigation. It provided for the trading of national forest areas for private lands held within their boundaries, and this trading was to be on an even basis of value. In this way the national forest holdings could be consolidated. And last, it provided for the incorporation into the national forests of any federally owned land, excepting national parks, that would be suitable for the growing of timber.(41)(43)

The above provisions of the Snell bill doesnot in-

clude sections 1 and 2 of the bill. There was a general agreement on all of the other provisions of this bill. The whole objection to this bill centered around these first two provisions. Since the opposition and eventual defeat of this bill was a result of sections 1 and 2 they are given as follows:(41)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, through the Forest Service, is hereby authorized and directed, in co-operation with the appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States the essential requirements in protecting timbered and cut-over lands from fire, in reforesting denuded lands, and, where and to the extent necessary, in the cutting and removing of timber crops by such methods as will promote continuous production of timber on lands chiefly suitable therefor; and the Secretary of Agriculture is further authorized, on such conditions as he may determine to be fair and reasonable in each State, to co-operate with the various States and through them with private and other agencies within the States in bringing into effect such essential requirements favorable for forest protection and renewal with a view to furnish a continuous supply of timber for the use and necessities of the people of the United States. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, \$1,000,000, to enable the Secretary of Agriculture to carry out the provisions of sections 1 and 2 of this Act.

Section 2. That in no case other than for preliminary investigations shall the amount expended by the Federal Government in any State during any fiscal year under the forgoing section exceed the amount expended by the State for the same purposes during the same fiscal year, including the expenditures of forest owners required by State law, and the Secretary of Agriculture is authorized to withhold co-operation, in whole or in parts, from States which do not comply in legislation or in administrative practice with such requirements as shall be established in accordance with section 1 of this act. In the co-operation extended to the several

States due consideration shall be given to the protection of the watersheds of navigable streams, but such co-operation may, in the discretion of the Secretary of Agriculture, be extended to any forest lands within the co-operating State.(41)

A little over a month after the re-introduction of the Snell bill Senator McCormick on May 23, 1921 introduced into the Senate the exact prototype of this bill. The bill was titled the same and presumably involved the same type of legislation. Evidently the procedure was to be along the same lines as that which resulted in the Clarke-McNary Act of 1924. However, since the Snell bill progressed no farther than the committee nothing was ever heard from the McCormick bill.(25)

The Hearings of the Snell bill were held by the House Committee on Agriculture on January 9, 10, 11, 12, 1922.(41) It was at these Hearings that the statements for and against the bill were heard.

Colonel Greeley appeared before the Committee "not as a proponet of a particular bill," but in his capacity as Chief of the Forest Service. His purpose was to urge upon the Committee the need for Federal legislation of a character that will insure the reforesting already cut and those now in the process of cutting. He says "that the country faces definitely a growing scarcity and increasing cost of everything made from wood. The problem is nation-wide and must be dealt with in a nation-wide way." *****
"Federal legislation should encourage tree planting by

co-operation with the States in growing and distributing planting stock; it should not only encourage but assist in effective nation-wide protection of all forest lands from fire; and it should also set up some method of reasonable control over the cutting of private timber, to the extent necessary to insure prompt reforestation of the land cut over, It must, however, be recognized with equal force that the timber can not be grown unless the undertaking is a practicable and reasonable one for the owner. Reasonable and equitable aid must be given the private owner in accomplishing the public benefits desired and such conditions of security must be created as will make it economically feasible for him to comply with public requirements."(41)

Greeley's statements show a marked amount of thought and an incite into the future as well as a keen appreciation of the private owners situation. So far there had been advanced two methods of exercising control over private lumbering which were expressed in the Snell and Capper bills. The Snell bill would establish a measure of control by financial co-operation while the Capper bill would accomplish the same purpose by direct Federal authority through taxation. Forester Greeley was of the opinion that these two measure were supplementary rather than opposing. He favored the Snell bill because of its mildness in comparison with the Capper bill, believing

that the country was not ready for the alternative of direct Federal control which was expressed in the Capper bill. He did insist that immediate action was necessary and that "among the advocates of a national policy there is disagreement only on the one point as to whether the States or the Federal Government should exercise control over the cutting of timberlands." This means either "Cooperation" as advocated by the conservatives with the support of the private owners or "direct Federal control" as advocated by the radicals.

Greeley continues with, "it may not be desirable or opportune to attempt a complete National forestry policy in one piece of legislation. It would be unfortunate in the extreme to permit substantial progress in Federal legislation on forestry to be delayed or impaired by a conflict of views on one feature only in the whole program." Here again he seems to be looking into the future and visioning the ultimate outcome of this bill. Rather than permit the whole movement to die here over this one controversial issue, he hints that it would be better to avoid the conflicting item and concentrate on issues of general agreement. This, as will be brought out later, is what was actually done.

Colonel Greeley was followed on the stand by various representatives of the lumber and wood using industries and others interested in the well being and preservation

of our timber resources. Without exception these representatives gave their unqualified indorsement to the bill as a whole or to some specific section not already covered by previous statements. The private industry representatives based their approval on the fact that the bill provided for their co-operation and regarded them more as an ally than as an enemy. No doubt a great deal of the support was forthcoming because they were primarily responsible for the bill. It came out in the Hearings that the private interests, as a whole, were quite willing to cooperate, even though it would mean that individual independence would be somewhat restricted. The lumber industry did not want regulation and if the public wanted a co-operative policy they were quite willing to do their share with the proper help.(41)

Gifford Pinchot was one of the main opponets of the bill present at the Hearings. Before beginning his statement he presented to the Committee a resolution from the Pennsylvania Forest Commission, which recorded "its emphatic opposition to those portions of the Snell bill which would deprive Pennsylvania through her representatives in Congress of any voice as to the future security of the lumber supply without which her people cannot prosper." Namely, this referred to sections 1 and 2 of the bill and the reasons for this opposition are brought out in Pinchot's statement.

According to Pinchot "sections 1 and 2 provide that what shall and shall not be done in the matter of the timber supply of the country depends upon the action of the legislatures of the timber exporting States. There are at present 15 timber exporting States and before long there will only be 5. If section 1 and 2 of the Snell bill become law, the decision as to whether or not these greater States and the more numerous States of the Union are to have lumber at all would be left to the legislatures of the few timber-exporting States over which the people of the timber-importing States have no influence at all, unless they can have it through the National Government."

"Moreover, if the bill were to be enacted, it would never be given effect for the reason that what you would do then would be to put the question of the preservation of the timberlands of the country in the hands of the legislatures of the States where the lumbermen are most powerful !(32)(41)

Pinchot continues by telling of the evils of the past and the continued devastation of the timber by the private owner. He said that he doubted if the bill would be passed and if it were passed the sections causing the argument would not work.

Of the large timber producing and exporting States, if a few of them refused to co-operate under the provisions

of the Snell bill they would soon effect a monopoly over the producers of the conforming States. That is, the effectiveness of the whole bill rests with the unanimous co-operation of everyone concerned. Should one or two of the largest export States choose not to abide by the Snell bill the bill would be useless because those States that conform to the bill will be required to accept the requirements recommended by the Secretary of Agriculture under section 1. while the non-conforming States would be able to cut their timber as they pleased. A situation like that would have an effect upon the market and the non-conforming States would eventually control the market.

Gifford Pinchot was representing the State of Pennsylvania at these Hearings in his capacity as Forest Commissioner. He used Pennsylvania as an example to explain the hardship such a monopoly would work on this State and others in a similar condition. Pennsylvania produces only a fraction of the amount of timber that it uses and must depend on timber exporting States, therefore, a monopoly would be a distinct hardship.(32)

Colonel Graves was also opposed to the Snell bill as it read at present. Any program of policy is going to involve a lot of public money on the part of the Federal Government and the States. In Graves' opinion these expenditures are necessary and are justified by the magnitude of the interests involved. The public, however, is

not going to appropriate money unless they know what is to be expected, the returns from spending this money, and an assurance that the objects will be accomplished in practice. Graves based his opposition to the bill on the ground that this assurance was not given by the Snell bill. His objections centered around sections 1 and 2. The fact that these sections gave the States an alternative impressed Graves with not giving the public assurance enough that the money expended under the act would accomplish what it was supposed to. He advanced his own proposal and suggested that the Snell bill be changed so that the same provisions were included but make the co-operation of the Federal Government contingent upon the States effecting mandatory legislation.(41)

As a result of these Hearings the Snell bill was "pigeon-holed" or permitted to die until some of its ideas were later incorporated with the Clarke-McNary bill.

Following the failure of the second Capper bill because of the control through taxation phase of it, the radicals were content to let things rest for awhile, but not for long. The third Capper bill was introduced into the Senate on February 16, 1924.(9) This bill was a measure providing for the establishment of a comprehensive forest conservation system and was introduced by Senator Capper of Kansas. This bill was "to promote forest conservation, to extend the national forests, to raise a revenue from

forest products, and for other purposes." The short title of this bill was to be the "Forest conservation act of 1924".(8)

This in general would provide for the extension of national forests, for the raising of revenue from forest products, for government control over forest lands to insure new growth of timber and to minimize the fire hazard. This latter clause is referred to in the title as "other purposes". The measure would provide payment by the government of a bounty for the proper cutting of timber on private lands. A tax of \$5 a thousand feet would be levied on the timber cut, with provision for repayment to taxpayers of \$4.95 as a bounty. Thus the tax retained by the government for the administration of the act would be 5 cents a thousand feet. This was calculated to provide about \$2,000,000 annually, which is estimated as the amount required for the administration of the law.(8)

The entire bill is quite lengthy and for this reason only those sections dealing with this paper are given. Section 3 of the bill deals with cutting regulations. The Secretary of Agriculture is given the authority to make, and at times amend, regulations establishing and defining in general terms as to each forest region such reasonable standards for the cutting of forest timber as he shall see fit to secure in such region a continuous succession of forest crops of reasonable quantity and quality. The

regional forester, with the approval of the Chief Forester, shall carry on the same work in the regions as the Secretary of Agriculture is nationally. That is, the regional forester shall make or modify the local regulations that do not coincide with the regional regulations, and establish and define such reasonable standards for the cutting of forest timber as he thinks necessary to secure continuous production. The standards established would include such measures as protection of trees left standing, disposal of slash, reduction of fire hazards due to cutting, temporary reservation from harvesting of such trees as may be necessary for the continuance of forest growth, and reforestation by planting subject to approval by the forester.(8)

Before making regional or local regulations both the Secretary of Agriculture and the regional forester are obligated to seek the co-operation of an advisory board as to such region or locality. This board shall consist of forest officers and one representative from as many lumber and wood using industries as he may care to invite. The advisory board of the regional forester would function in a comparable manner.

Section 5 authorizes that the Forester shall so far as is possible see that the cutting operations on private land are inspected at the time of cutting. This is for the purpose of instructing the operators as to the application

of the regulations established in section 3.

Section 6 of this act deals with the "bounty" or refund from the \$5 per thousand feet original tax. This section reads "that appropriations are hereby authorized to be made annually or for longer periods to pay to operators harvesting forest crops on commercial forest lands in the calendar year 1926 and subsequent calendar years a bounty at the rate of \$4.95 per thousand feet standard log scale of standard forest products produced in such harvesting., such bounty may be credited by the operator at any time before but not after the 15th day of March next preceding such 30th day of June against any taxes due from him to the United States and unpaid; all in such manner and under such rules and regulations as the Forester and the Commissioner of Internal Revenue may jointly prescribe: Provided, that no bounty under this section shall be payable, paid or credited in respect of taxable product produced in any calendar year when Section 7 of this act is not in full force and effect; nor shall any such bounty be payable, paid or credited to any operator who shall not have paid such taxes in respect of the taxable products as to which the bounty is claimed, or shall have paid the same under protest."(8)

Section 7 concerns the taxes on the products. "That for each calendar year after 1924 there shall be levied, assessed and collected, and shall be paid by every oper-

ator, an excise tax on the privilege or franchise of conducting the business of harvesting forest crops on commercial forest lands, measured by the quantities of taxable products produced by him in such year as follows: For the calendar year 1925, at the rate of 5 cents per thousand feet, and for every calendar year thereafter at the rate of \$5 per thousand feet, standard log scale, in respect to all taxable products."(8)

Section 8 authorizes the Forester and the Commissioner of Internal Revenue, acting jointly, to prescribe regulations by which the tax is to be paid and the manner in which the refund is to be made.

Section 10 deals with the penalties provided by this act, Under this section there is provided a fine of \$5,000 or a years imprisonment or both for violating this act. The violations specified are for "knowingly classifying any taxable product untruly", falsifying records, permits, statements, reports, etc., and finally for willfully refusing to pay the tax or evading the tax.

Section 11 provides for the payment of taxes that have been willfully evaded or refused in addition to the penalty provided for in section 10.

Section 13 concerns co-operative fire protection. The Secretary of Agriculture is authorized to recommend the standards and requirements for protecting timber and cut-over lands from fire. He was to co-operate with the

States, who had adopted his recommendations, and through them with the private agencies in bringing about essential forest protection. The co-operation consisted of the so-called "matching" of funds. That is, the States that adopt the Secretary's recommendations and requirements will receive from the Government an amount equal to that that they spend for fire protection in any fiscal year. The amount expended by the Federal Government shall not exceed that expended by the States including the expenditures of the forest owners required by state law. The Secretary of Agriculture was also authorized to withhold co-operation from those States that did not comply in legislation and in administrative practice with the recommendations made by the Secretary of Agriculture.

Section 15 authorizes appropriations for the purchase of timber lands suitable for administration as national forests.

Section 16 allows for the failure of any part of the bill without affecting any other part of the bill.(8)

The further advance in mildness in this bill is readily observed. The act shows some effort to work in co-operation with the States but it is still a far cry from actual co-operation. This bill has not provided any definite standards by which the private owners could go by. This was to be left entirely in the hands of the Secretary of Agriculture. Even though the Secretary of Agriculture

was bound to seek the co-operation of an advisory board, he still remained reasonably free to impose any requirements that he chose. The bill, however ambiguous the sections dealing with the requirements were, did not hesitate to name penalties that would have left the lumbermen no alternative, which, when knowing the ideas behind the bill, was the intention. The private owner would have to conform and do it cheerfully which would be almost impossible. The third Capper bill died in committee which was to be expected because the bill, although much milder than here'to-fore, still contained the general idea of legislation through taxation. The second Capper bill failed on this count and it was to be expected that this one would do the same regardless of how it was misconstrued.

This was the last concerted effort on the part of the radicals to further legislation by a revised bill. That is, they made no effort to revise or reword another bill, but this bill was tried once more. Almost two years later Senator Capper re-introduced this same bill, or the fourth Capper bill, into the Senate on December 18, 1925. Presumably the bill embodied the same provisions as the third Capper bill. After the introduction of this bill nothing more was ever heard from it; it was not reported back from the committee. At this time the Clarke-McNary Act was well under way and the Capper bill probably received very little

attention, since it was very evident that radical legislation of this type held little favor with the public and was to be used only as a last resort.

At the time of the height of the argument between the radicals and the conservatives over the Snell-Capper bill controversy, Woolsey(50) came forth with his recommendations. Woolsey in his recommendations is trying to reach a happy medium between the opposing factions. He points out that the idea of having the public practice forestry on private land is not altogether new and that as early as 1908 some of the eastern States have had laws pertaining to this. The time is fast approaching in the United States when idle forest land will be a drag on local and regional prosperity. "Forest devastation can best be stopped by direct Federal control; the second best means is by Federal co-operation with the State agencies. But where unimproved forest land is neither being devastated nor intelligently managed there should be some method of State protection and improvement at the risk of the holder." To illustrate this scheme Woolsey drafted legislation which provides: "(a) For the protection, care and improvement of certain private owned land with and (in certain cases) without the application of the holder. (b) After a minimum period the holder may petition for the return of his property and receive it upon payment of costs not including "overhead". (c) Where

the holder doesnot wish to pay for the costs, he will be paid the fair appraisal value of the land less costs."(50)

Where Woolsey leans toward the radicals is that in his proposed legislation he provides for good stiff penalties and is very much in favor of Federal legislation. "The Federal legislation thus far proposed to correct the evils of deforestation is directed at restraining and controlling private exploitation leaving the land in private hands. The controlling force is mainly Federal or mainly State with Federal co-operation. The stronger the Federal obligatory legislation, the better the result will probably be from the standpoint of the forester because nationwide laws applicable to all States are the easiest to enforce and the most effective; but being often more difficult to obtain, we may be forced to fall back on the second best measure obtainable under the existing conditions. If we fail to obtain drastic obligatory legislation to enforce forestry measures, then the States may consider various substitutes."(50)

Although nothing evident ever came from this proposal, it is interesting to note that this legislation proposed recommended the same thing that was contained in the controversial section 7 of the Clarke-McNary Act three years later. That is, the Federal or State authorities will take over the private owners land for a stated period of years and at the end of that minimum period the owner may re-

claim the land by paying the costs excluding the overhead. This is the essential idea embodied in section 7 of the Clarke-McNary proposal.

Austin Cary(12) has written his ideas on a National Forest Policy for the Committee of the National Chamber of Commerce. They are his own personal ideas but are pertinent to the subject covered in this problem and, therefore, it is well to include those of the closest relationship. Cary agrees with Greeley on the principles of fire control in relation to timber production and reproduction. It has been stated that this question in the minds of thinking foresters has taken preference over public control and in this these two men agree. He also favors a large area in National, State, and municipal forests. Like Woolsey, Cary is trying to find the middle road. This is evident when he states that "regulation of privately owned forest land by law or public administration is a thing which does not appeal to me, my position being that we want as little of it as we can get along with. I have, however, supposed that, paralleling the experience of older countries, we should come to use more or less of it at some time. As an indication of the time when it was needed and could be successfully carried out I have in mind this sign — that men of experience, standing, and judgment, informed of the facts but outside the technical interest, should believe that the time has arrived and stand ready to support and

guide it. Right-minded men in lumber industry were included in that view."(12)

Tax reform, however is frowned upon. He says that "large, permanent, thoroughly organized enterprises of private timber growing will not be undertaken in advance of favorable and secure adjustments on this head. My point is simply this — that in economical and right minded communities men can do considerable at raising timber today if they want to for all of the tax."(12)

The Snell bill, as has already been referred to, contained the mild provision concerning regulation of private lumbering. In spite of the fact that this bill was made up by forest owners and had their support it did not prevent quite a bit of bitter controversy. Forester Greeley realized that to hang on to this point would seriously injure the chances for progress toward some really concrete policy legislation. Greeley's advice was to throw this whole controversial matter or issue aside and concentrate the effort on fire protection and suppression, reforestation, tax reforms, and research. Cameron(11) has referred to this advice as a "bold and statesman-like stroke" and this move was probably the one thing that allowed the efforts for a policy program to succeed. The dropping of this controversial issue was really a small point in the long run because Greeley and other leaders of forest thought had come to realize that the

problems other than private control were more important in starting a national policy.

Representative Clarke of New York introduced two bills on February 6 and 7, 1923.(14) These bills were practically the same in every respect except that in the latter bill introduced was an additional paragraph providing for the study and effects of forest taxation. Other than this these two bills were merely rewritten declarations of the Snell bill, with the exception of the subject of private regulation which was omitted. The idea of co-operation is still upper most in this legislation as in the Snell bill. The Secretary of Agriculture was authorized to recommend the essential requirements necessary for protecting the forests from fire. The bill then went on to cover the same issues upon which there was no disagreement such as research, reforestation, and taxation.

Nothing of consequence came from these bills. The major accomplishment was in ridding legislation of the controversial element of private control which paved the way for some definite achievement.

The first step toward this achievement was taken by the Senate by the adoption of a Senate Resolution on January 21, 1923. This resolution was first introduced on January 5, 1923 and was referred to a Senate committee.(26) It was re-introduced on January 19, 1923 when it was amend-

ed and finally passed on the above date. Senator Colder was responsible for this resolution and the corrected and amended resolution read: "Resolved, That the President of the Senate appoint a committee to consist of five members of the Senate,, to investigate problems relating to reforestation, with a view establishing a comprehensive national policy for the lands chiefly suitable for timber production in order to insure a perpetual supply of timber for the use and necessities of citizens of the United States." (26)

The Committee was to report its investigations and recommendations to the Senate not later than April 4, 1924. This Committee was given a free hand to do as it thought best in accomplishing this task. The Committee visited all of the important timber producing regions, held conferences, and held hearings. The Committee brought in its report on January 10, 1924. Senator McNary was the chairman of this Committee and had introduced a bill on December 15, 1923 embodying the Committee's conclusions and recommendations.

About one month later Representative Haugen introduced a resolution into the House of a comparable nature to the one passed in the Senate. (51) This resolution contemplated appointing a committee of eight members who were to act concurrently with the Senate committee. This resolution passed the House and was sent through the Senate to the President who refused to sign it because of the objection raised in the Senate.

Senator McNary of Oregon had converted the findings of the committee, authorized by the Senate Resolution, into legislative terminology. He introduced a bill (27) "to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor." The bill was referred to the Special Select Committee on Reforestation. This Select Committee reported the bill back to Senator McNary on January 10, 1924 without amendment. On January 15, 1924, due to a question of correct procedure, the bill was removed from the calendar and referred to the Committee on Agriculture and Forestry that reported it back on April 15 with a favorable report containing the recommendation for enactment.

Representative Clarke of New York, on January 7, 1924 had introduced a bill embodying the findings of the committee selected in response to the Senate Resolution referred to earlier in this report. This bill was the same as the McNary bill that was introduced into the Senate a few weeks earlier. After much argument and debating the bill (Clarke) was finally passed on April 23, 1924.(15)

The McNary bill was brought up before Congress for consideration on June 6, 1924. In the meantime the Clarke

bill had passed the House. The session of Congress was drawing to a close and, since there was no difference in these bills, the Clarke bill was substituted for the McNary bill because it had already passed the House and would, therefore, facilitate the passing of the bill before the closing of the session.

Much of the debating that took place over this bill, while it was up for passage in both Houses, centered around Section 7. Since the provisions of the bill will be given in the completed or enacted form, it is worthwhile to contemplate the reasoning back of the objections to the original form of Section 7. It was thought that the original Section 7 could have been construed so that it would permit large land owners to convey their cut-over lands to the Federal Government, withholding for 20 years all beneficial interests in the land and escaping practically all of the burden of taxation. There is no doubt that, with a possible interpretation like this present, the land owners would have made excellent use of it at the expense of the Government and, therefore, destroy the entire purpose of that part of the bill. This situation was corrected by a proviso which stated specifically that the property rights would be retained by the property owners and subject to the tax laws of the State in which they were located.

This bill became known as the Clarke-McNary Act and passed the Senate on June 6, 1924 and was signed by President Coolidge on the following day, June 7.

Section 1 of this Act authorized the Secretary of Agriculture, in co-operation with the various States, to recommend for each forest region such systems of forest fire prevention, suppression, and protection deemed adequate for the continuity of timber production.

Section 2 stipulates that the Secretary of Agriculture should co-operate with any State whose practices in fire prevention and suppression furthered the objectives described in this Act. In no case, except for preliminary investigations, is the amount spent by the Government to exceed that expended by the State. Due consideration shall be given to watersheds of navigable streams, but such co-operation may extend to any timbered lands.

Section 3 concerns co-operation to devise suitable tax laws that will encourage timber production and to promote practical methods of insuring this timber. An appropriation of \$2,500,000 is allowed to carry out the provisions of sections 1, 2, and 3 of this Act.

Section 4 provides for the co-operation with the various States in a planting program provided the amount of money expended by the Government in any fiscal year shall not exceed that expended by the State in the same fiscal

year. This section carries an appropriation of \$100,000 to carry out these provisions.

Section 5 provides for co-operation with the States for the assistance of farm wood lots. This section carries an appropriation of \$100,000 for carrying out this provision and the same stipulation of matching funds.

Section 6 is considered as an amendment to section 6 of the Act of March 1, 1911 and provides for the conservation, by purchase, of cut-over and denuded lands within watersheds. A preliminary examination must be made and approval of the Secretary of Agriculture and the Director of the Geological Survey secured before purchase by the National Forest Reservation Commission.

Section 7 enables the owners of land, chiefly valuable for growing timber, to donate such lands to the United States to assure a future crop of timber, for a period not exceeding 20 years. The title is transferred to the United States subject to such reservations as the donor may wish. The units of land acceptable must be of such size or so located as to be capable of economical administration as national forests. All lands to which title is accepted shall become national forest lands and subject to all laws applicable to such lands. The proviso of this section that was added to prevent misuse reads: "That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of

lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located."

Section 8 deals with the ascertainment and the determination of the location of public lands valuable for stream-flow protection and timber. This report is to be given to the President who, in turn, shall lay the findings of the report before the Congress of the United States.

Section 9 authorizes the President to establish as national forests any lands within Government reservations, other than excepted reservations, suitable for the production of timber. This also applies to any lands reserved for Army or Navy purposes but does not mean that their authority is to be relinquished. The receipts from products will go to the forest reserve fund. The penalty for violation of this Act comes under the head of a misdemeanor, and conviction means either a \$500 fine or imprisonment for not more than one year, or both.

Advocates of a forest policy for the nation won a signal victory on June 7, 1924 when the Clarke-McNary Act was passed. This act now stands as the tangible result of five years of strenuous effort on the part of those who recognized that forest reconstruction is one of the nation's most important problems. This law opens the way for an enlarged federal forestry policy in the United States and

ranks next to the Weeks Law and the Law of 1905 transferring the National Forests to the Department of Agriculture.(30)

The theory of co-operation seems to be pointing the way. The problem confronting us is to protect the American people against a forth coming shortage of forests and to insure them a perpetual supply of timber. Laws alone will not do this. They are the initial step but need the active support and participation of those concerned.(28)

The fact must not be overlooked that it is not always the fault of the lumbermen that the timber is being destroyed. The present tax system is one of the greatest factors that impels logging and milling operations against actual lumber market needs. There are many tax delinquent forest lands now and the burden is soon built up to the point where the timber cannot bear it. Some owners have actually reached the place where they believe that the return from the timber will never pay for the cost of carrying it. Foresters have long pointed out that the public has a stake in the way private lands are managed. Many private owners acknowledge such an interest. But no one has been able to show that the average private owner can afford to protect the public's interest and at the same time cut a crop of logs at a profit. The cost of owning timber is responsible to a large degree for its premature liquidation and wasteful utilization, for the wreckage of

the land and the neglect of public interests involved. It is obvious that under such conditions private ownership of timber can result only in a kind of exploitation that is contrary to the public welfare. This situation, however, does not apply to all the privately owned timber tracts, but it does apply to a great deal of them, particularly in the West.

If the returns from lumbering remain unprofitable and the system of taxation is not to be changed, then there is but one answer and that is State or Federal Government. Public ownership seems to offer the private owner, and the public, the greatest advantage in the long run. If public ownership does not materialize, some form of public regulation is sure to follow.(49)

Section 7 of the Clarke-McNary Act provides for turning timberland over to the government. There has been very little said about this section and its possibilities have not been explored.

"Whatever method is followed we should remember that the owner has certain equities that deserve protection. On the other hand the public cannot take over lands at what they cost their present owners, and it would not be made to assume the burdens of another's errors."(49)

"It is probable that the lumber industry will soon present to Congress a bill urging and providing for the re-acquisition of the private forest lands, both timbered

and cut-over."(49)

These things seem certain, except in isolated cases, that private ownership of timber is a liability and never will be anything else. If present unfavorable conditions that make it so are allowed to persist, our timberland will continue to be destroyed, it will ultimately be thrust upon the public in a wrecked condition and the public will have the enormously expensive job of rehabilitating it. There will be no forestry until it is too late.(49)

The attitude mentioned above resembles that of a controlist very much but approaches the subject from a different viewpoint. Following in this vein Pinchot again emphasizes the desirability of public control. That Government forestry can be a success is evidenced by the success of Government controlled practice in the Philippine Islands. From the forward of Deforested America (1) Pinchot states: "Success in the Philippines is directly traceable to governmental control of lumbering. That is and always has been the foundation of such success throughout the world. And throughout the world the right of government to exercise such control in public interest is recognized. Without it forest devastation has never been stopped anywhere. Without it forest devastation cannot be stopped in the United States."

This situation in the Philippines has been fairly recent. The government, so to speak, arrived there first.

From an adverse example already set in the United States it was relatively easy to select the right path. In addition, private enterprise had not arrived first and experienced in the United States.

Ahern (1) states that: "The root of our troubles lies in destructive logging practice, unregulated slash, and the accompanying destructive forest fire. The reason for this is that a depressed lumber industry seeking cheaper production adopts still higher speed in its operations in an effort to ward off the ever threatening financial doom.....This devastation must be stopped if we are to survive as a nation."

This is a very true and concise statement of the difficulty and reason enough for government control. That the forest situation is growing steadily worse is well known but for some reason or other the essential facts have been overlooked or disregarded in most public discussions of the subject. The fact is that our forests are disappearing at a rate that involves most serious danger to the future prosperity of the country, and nothing that counts is being done about it.(1)

The problem, while largely economic, also touches the public interest. Freedom in the use of private property and freedom of action are possible only in so far as they do not adversely affect the welfare of others. In all questions involving public interest and the profits of an

individual, the public interest must come first. Public control is exerted over private property whenever necessary to protect the public interest, and, in highly civilized countries, containing large amounts of forest wealth, is exerted over private forests.(24)

Enlightened self-interest will not protect a community against the unscrupulous few. Well enforced laws are necessary. Economic conditions favorable for the practice of forestry will not of themselves bring about forestry on private lands in the United States. Changes of ownership, and the need for ready cash, will cause forest destruction if not prevented by the public. Even in Sweden, where economic conditions and public opinion favor forestry, public control is necessary and legal compulsion occasionally has to be used.(24)

Under the present conditions in the United States, the progressive operator who invests in the future productivity of his forest lands is placed at a disadvantage in relation to his less scrupulous competitor who profits by the destruction of the forest. The short-sighted and unscrupulous therefore determine the practices which the others must follow. Public control would place all operators on an equal footing.

After the passage of the Clarke-McNary Act there was not much agitation for more legislation. The touchy spot of public control of private operations was still avoided.

There were two bills that were passed which expanded on the provisions of other bills. One was the McNary-Woodruff Act which was passed on April 30, 1928 and enlarged on the acquisition sections of the Weeks Act and the Clarke-McNary Act.(36)

The McSweeney-McNary Act followed the above bill and was approved and passed on May 22,1928.(37) This bill established a ten-year program for forest research. This "will enable the department to co-operate with other agencies in a far reaching program of investigations which will form the basis for a permanent system of forest production and utilization for the entire nation."(11)

However, before the passage of these acts of 1928 there was one more scheme advanced to cure the evils of private lumbering. This scheme was advanced by L.F.Kneipp.(22)

He observes the fact that the time is approaching when an established, well managed, highly productive forest will furnish its own social and economic justification. The number of forests which are now included in the above category are so small as to be almost negligible. The evident future demands will have to be supplied partly by the slow conversion of existing stands, partly by forests built up from the ground by expensive and time consuming processes, where for many years the taxes and carrying charges mount to large sums, while the revenues will be

practically nil.

Kneipp continues by saying that "during this unproductive period, successful forestry will demand two things: (1) widely diversified technical organizations and (2) cheap money. It will be very difficult for the private owner to command either one.....Only the Federal Government can organize and maintain a technical staff adequately covering all fields of forestry, and only the Federal Government can borrow money at 4 per cent or less."

(22) Kneipp then advances the theory that the Government is the logical one to underwrite the constructive period in the development of a forest during which the burdens are discouraging to private initiative. In accomplishing this he recognizes the impracticability of complete public ownership of all forest lands, and the equal impracticability of mandatory legislation of Government subsidy in the usual forms. Therefore, a middle course is chosen and this course is embodied in the law proposed. In brief, the Federal Government would be empowered, with the consent of the private owners and the States concerned, to lease at a rental of 4 percent on the appraised value, forest tracts of 50,000 acres or more, which have been cut over or otherwise damaged, for a maximum period of 50 years, during which time they will be handled as National Forests.

At anytime during this lease period, after the lands have been restored to full productive condition by proper

protection and silvicultural methods, the State or the private owner has the privilege of taking them over by reimbursing the Federal Government for the costs incurred.

According to F.W.Reed (38), "the extent to which a scheme like Kneipp's is needed will be limited by the extent to which private timber growing will expand without Governmental aid. It is unduly pessimistic to hold that it will not grow at all beyond its present initial beginnings. It is unduly optimistic to argue that it will keep on expanding of its own momentum until all privately owned lands are in continuous productive condition. There is a dividing line somewhere."

Reed recognizes that this scheme would not be a cure-all and there would be mistakes made; it is nevertheless a start. Since most thinkers in forestry are agreed that something should be done, and since this proposal of Kneipp's comes the nearest to doing something about it, he thinks it should be supported.

Kneipp's scheme advances no compulsory measures at all. The Government will co-operate and take the land off the private owners hands providing the owner and the State are willing. It is a general concensus of opinion among people concerned with forestry that it will be impossible to solve this problem of devastation by private owners entirely without some Government intervention. The lumbermen are crying for public assistance. They say that they

are ready and willing to do their part but the public must be behind them and in most cases make the initial effort. The private owners were always careful never to let themselves in for complete regulation. Under the Kneipp scheme they would know exactly what they could do and that would be only what they desired to do.

In addition to this the U.S. Forest Service has had twenty-five years experience in scientific handling, protecting, and managing forests. Therefore, who would be better suited to carry out this scheme? There would be no need for land classification under this proposal. If the 50,000 acres had been misused, then it would be put under Federal lease, where it could be reclaimed for its best use.(38)

This scheme, like all others that were advanced at this time, was discarded because of lack of interest, or because someone objected, or because it was not the expected cure-all that was desired.

We were then at the close of a period that Shepard (40) refers to as "an epoch in our forest history." This period represented a long forward step to achieve a more comprehensive solution to the forest problem than was afforded by public forestry. In 1919 was the beginning of what promised to be a formidable sweep for the drastic use of police power to stop forest destruction. This movement was sidetracked and ended with a flank attack by means of public and private co-operation. Public and private co-

operation is not an "evil" as Shepard refers to it, but a decidedly advanced step. The "sidetracking" has to do with the main issue--public regulation of private cutting, which was effectively sidetracked and almost buried. The central movement of this period (1919-1928) was the passage of the Clarke-McNary Act flanked by the Woodruff-McNary and the McSweeney-McNary Acts which have already been referred to. Many accomplished thinkers along forestry lines have said that fire prevention is just as important, if not more so, than public regulation. That is pretty much of an all inclusive statement, although it is not as bad as the school of thought that preaches that forestry is 90 per cent fire protection. Fire protection is admittedly a big problem and a long step ahead in stopping devastation, but should not be regarded as the complete solution to the problem. The Clarke-McNary Act is regarded as effectively being able to cope with that part of the situation as do the two acts of 1928 with their fields. These three acts were definitely a significant accomplishment.

During 1929 dissatisfaction seemed to break out again in both the ranks of the foresters and the private owners. In the beginning when this movement started there were three factions, the private owners, the radical conservationists, and the conservative conservationists. At that time the radicals and the conservatives were fighting among themselves as to how they would accomplish a solution

to this problem of forest destruction, with the private owners looking on from the side lines, and no doubt deriving some amusement from the spectacle. After both factions had made their proposals in the form of the Capper and Snell bills, the lumbermen threw their support to what they probably thought was the lesser of two evils, the Snell bill. Finally, getting rid of the controversial element of public regulation, the Clarke-McNary Act and the two bills of 1928 were passed.

The dissatisfaction now was making a slightly different alignment of factions. The conservationists were trying to act together now in a concerted body, even if now and then some of them went off on a tangent one way or another, to accomplish what they had originally set out to do. The lumbermen were taking up their side now instead of looking on. Strangely enough the lumbermen or private owners were not opposing the conservationists so much; in fact some of them had a definite leaning toward their ideas. The private owners were conservative and therefore slightly timid in being a party to anything that might put too much control over them.

Shepard's plea was similar to Pinchot's call to the "faithful" in 1919 when he states that "the forestry movement cannot rest satisfied with the achievements of the past decade. It must march relentlessly, patiently, courageously toward its ever fixed goal--the extermination of

the evil of forest destruction. If it can be stopped by a larger program of co-operation, let us work aggressively for such a program. If it can be stopped only by some form of public regulation, let us work for a just program of regulation. But let us not get confused in the side issues and in minor objectives. Let us keep headed in the direction of the great objective and let us move toward it in as straight a line as possible."(40)

After this it was a choice of determining which course to take to achieve this great objective. Shepard continues to point out the evils of forest destruction and its effect upon public security. This problem must be viewed from the eyes of the generations of the future who will inherit this forest wreckage and not from the standpoint of a very small body of individuals who own the bulk of the timber and forest land today. He restates the principles involved in co-operation, that is, the removal of obstacles to private forestry practice through public assistance in fire protection, tax reform, etc. He is of the opinion that there is a large and dangerous element of laissez-faire in the co-operative program as has been developed so far. "It is founded on the assumption that, with certain forms of public assistance, natural economic evolution will bring about a large voluntary contribution by private owners to the solution of the forest problem. All the evidence we have indicates that in spite of admir-

able progress on the part of some owners, private forestry is making extremely slow progress; and there are reasons for the gravest doubt whether by the remotest possibility private forestry, if left largely to itself, can be got into operation in sufficient time and on a large enough scale to avert forest catastrophe."(40)

Shepard recommends that a national commission be created "with ample power and funds to make a fresh appraisal of every public and private phase of forestry and to draw up a forestry program proportionate to the power, the wealth, the dignity, and the creative spirit of America." No doubt this is a little flowery but the essential idea was there.

Richards (39) sums up briefly the progress to this time and gives his opinion. He still harps on the old subject of public control and regards the progress so far as very small.

As a result of Graves' addresses after he returned from France following the war, much talk was raised about stopping forest devastation. This finally resulted in the introduction of the Capper bill as a means of bringing forest devastation to an end, although the Capper bill was not approved by Colonel Graves. "The most striking thing which came from this move was the fact that for the first time the lumbermen suddenly woke up in real earnest and began to take an interest in the forest problem of the country."

Evidently the introduction of a federal bill with teeth in it, designed to establish some kind of control over the conduct of woods operations frightened them. With the striking ability of such men of action as they are, they got behind the Snell bill as a means of preventing the passage of the Capper bill. Of course the terms of the Snell bill were carefully arranged so as to be quite innocuous, as far as insisting that anything really be done in the direction of regulating what the private owner is permitted to do in the woods. It was quite evident that the lumbermen were on the job and did not intend to let any entering wedge of regulation of woods operations get started if they could help it.(39)

Now the organized lumbermen were aroused. A concerted drive had been directed against their right to do what they wanted with their forests when they wanted to do it, and naturally they were not going to allow the matter to drop with the mere defeat of the Capper bill. They have merely been following out the fundamental ideas of capitalism as developed here in America--namely trying to make as much money out of a given natural resource as they could, in the same way as the oil men, the coal men, and all other business groups active in exploiting a natural resource, have been trying to do.

Following the Snell-Capper bill controversy, the organized lumbermen started right in to insure their business

against any further interference. The Snell-Capper bill controversy ended in a deadlock on the main issue--the regulation of cutting on private lands. All subsequent legislation has not tackled this point, but has merely gone ahead on other issues.

As time passed this unrest among foresters and lumbermen grew. It is not strange that this should be so. The last few years had been ones of sweeping and increasingly rapid change. How far these changes will go and when they will stop no one can foresee. The forest policy movement seemed to be at a standstill. It is true that proposals were still made, but after being proposed they were dropped. It seemed that it was about time to start again from an up-to-date survey of the situation, since, obviously, there was nothing being accomplished. Clapp (13) states this very well in speaking of a "small group who were reviewing the forest situation in the fall of 1931.....came to the conclusion that one imperative need was for an entirely fresh examination of the whole forestry situation in the United States as a basis for classification and reorganization."

The opportunity for this came out of a clear sky with the introduction and the passage on March 12, 1932, of Senate Resolution 175, introduced by Senator Copeland. The resolution itself stressed such points as the existence of large areas of land suitable for the growing of timber, the

fundamental and far reaching benefits, economic and social, which would be afforded by the wise utilization of such lands under public control, and the desirability of developing immediately a coordinated federal and state program for the utilization of these lands. It then asked that the Secretary of Agriculture advise the Senate whether the Federal Government should aid the States in such a program. It also asked for the facts and reasons upon which the conclusion was based.

The answer to this resolution came out in the form of a "National Plan of American Forestry" or the Copeland Report.(2) It was the most complete and comprehensive survey of the forest situation that had ever been brought forth up to this time. The report started from the bottom and covered every field dealing in any way with forestry.

According to this report the "finding which stands first in importance and significance by a large margin is that practically all of the major problems of American forestry center in or have grown out of private ownership."(13)

A second finding is that one of the major problems of public ownership "is that of unmanaged public lands. The public domain phase of this problem has long been recognized. The rapidly enlarging new public domain of tax delinquent lands in at least its present magnitude

is relatively recent and little recognized."(13)

The third major finding "is that there has been a serious lack of balance in constructive efforts to solve the forest problem as between private and public ownership"(13)

According to Clapp "it is unnecessary to go very much beyond the fact that nearly 90 percent of the constructive effort as measured by recent expenditures has been made by federal and other public agencies; that two-thirds of this effort has been concentrated on publicly owned lands; that publicly-owned land suitable for timber growing constitute only one-fifth of the total in the United States, and the timber-growing capacity of these lands is probably less than 10 percent of the total for the country; and finally, that public expenditures on private lands have actually exceeded private expenditures on the same lands."(13)

In general there has been a trial on a very large scale of the effectiveness of public and private ownership. Private ownership has had substantial but far from adequate public assistance. This trial has been going on now for about twenty years, or since the Weeks law of 1911, but the program has been much more clear cut and much more obvious that it was a trial since the beginning of the last decade. If the survey completed under the Copeland Resolution is correct, then the only

conclusion that can be drawn is that this trial private ownership has failed.

If, as the Copeland report states, the major problems of American forestry center in of have grown out of private ownership, then the major proposals must deal with their solution on privately owned land.

The proposals put forth by this report are an attempt:

- (1) To bring all forest land into productive use.
- (2) To insure supplies of timber and other forest products and of watershed protection and other services adequate to meet national requirements.

"The ultimate objective is to obtain all the economic and social benefits which productive forest land and adequate timber and other products and services can bring. It is becoming more and more clear that to meet such objectives, national planning is required. One of the reasons for this is that the laissez-faire policy of private ownership has not succeeded."(13)

The major proposals of this report fall into two categories; either to bring into public hands a larger share of lands now privately owned, or provide for measures that will keep private lands productive in their present ownership. Chief emphasis was placed on public acquisition. The proposal would cover a period

20 years and ultimately bring into public hands about one-half of the timbered area. This would still leave the public dependent upon private ownership for half of the timber-growing job.(13)

It is with this area remaining in private ownership that the second group of proposals deals. Because of private opportunity and obligations and of public interest, both the owners and the public must participate in the efforts to keep these lands productive. In compiling the Copeland report there was on hand a great mass of data on the practicability of private forestry. This data showed conclusively the immediate financial advantage of leaving the forest in a productive condition by such means as partial cutting, as contrasted with the current practises of the private owner. The financial advantage of the future is in the relative values of productive forests, as compared to wrecked or devastated forests. The obligation which is assumed in holding forests lands is being more generally recognized in public opinion.(13)

To meet these obligations provisions had to be made in the recommendations for an increased scale of aid to private owners in such forms as protection, advice, research, etc. Public control as advocated previously would not work practically until a much larger percentage of the private owners were in favor

of such a move than there are now. This form of drastic public regulation should not be applied until absolutely necessary, if ever. The plan proposed was one that had been discussed in passed years but had little prominence. Under it the private owner would keep his lands productive, and the public, were not contrary to general interest, would allow such things as mergers, curtailment of output, larger association activities, and would grant or sponsor loans and furnish aid in other suitable ways. This plan would have been worked out region by region, for each class of owners and under the most favorable conditions.(13)

How far the proposals of the Copeland report would have gone or how much influence they would have had in furthering the forest policy in the United States is not known. But these proposals had a good chance of going a long way and accomplishing much because the forestry movement was becoming less one-sided. The private owners were commencing to take notice of the conditions that every proposal aimed to correct. When this Resolution had passed Congress the country was in the midst of the Depression. The lumbermen were as hard hit as any other industry. Perhaps this economic pinch made the need for constructive government of industry evident. Some of the lumbermen were commencing to take a few tentative steps in the direction of constructive

forest practice. This is evidenced in the lumber industry when the Western Pine Association in 1932, after a careful study, adopted a broad economic program advocating industrial self-government under appropriate Federal supervision, whereby an appropriate part of any given industry may adopt rules binding upon the entire industry. The rules proposed included provisions for minimum wage standards, maximum hours, production control, and sustained yield forest management. These provisions and more were later included in the Lumber Code.

The Copeland report proposals were still in the generalization stage when it became apparent that the National Industrial Recovery Act would be introduced. The Act passed and was signed by the President on June 16, 1933. The Copeland report committee had not anticipated ~~that~~ the N. R. A., however, when it was indicated that such a bill would be introduced the Forest Service as a follow-up of the Copeland report proposal, and in order to afford a legal basis for working it out, recommended that provision be incorporated in the Act for the conservation of natural resources. The passage of this Act with a conservation provision has inevitably called for a country-wide effort for all classes of forest land ownership, instead of gradual extension. That was one advantage of the N. R. A.,

it did accomplish in a matter of a few months what otherwise might have dragged out for years as it had in the past.

Opinion among the private owners, as was to be expected, varied all the way from full intention to carry out the Code authority in spirit and in fact to equally full intention to ignore it and regard it merely as a polite gesture. The majority of the private owners were sincere in their intentions to abide by the N. R. A. Of course, it must be realized that the lumber industry was indeed in a bad way financially and no doubt would have welcomed any such proposal as would have improved their condition. One good feature was that they were to formulate and ^{ap}~~im~~prove their own Code, for it was better to be forced to regulate themselves than to be forced to obey a Code that had been formulated for them.

The Lumber Code, as signed by the President, on August 19, 1933 (29), contained in its more important Articles labor provisions, hours of labor, minimum wages, control of production, cost protection, and conservation of forest resources. This latter provision was known as Article-X and was one of the important parts of the Code. In accordance of Schedule C, each of the ten lumber divisions which draw their raw materials directly from the forests worked out forest practice rules.

These rules, prepared in the first place by the representative of the industry with the advice of the public representatives, provide for the protection from fire, insects, and disease, for protecting advanced growth and reproduction, for providing a seed supply, and slash disposal, so that cut over lands will remain in forest and in condition for future forest growth. The rules and the Code also provide encouragement for the application as rapidly as practicable, of economic selective logging, and of sustained yield forest yield.

(23)

Under the forest practice rules, forest management was being applied to private operators under the Code through "industrial self-government under the appropriate Federal supervision." This part of the Code was the last to begin and came at the time when major difficulties with compliance were being encountered. The time was much too short to ~~develop~~^e a satisfactory degree of compliance with this part of the Code, especially in the ~~fact~~^e of compliance difficulties in general. In spite of that situation much progress had been made in securing improved forest practices.

Mason states that "the Code was operating far from ~~im~~ perfectly, but, even so, it has brought on the whole conditions greatly preferable to those which preceded it. We still have many problems to master, many difficulties

to overcome, but patient cooperation within our industries and with patient cooperation between our industries and our government, we shall master these difficulties."(23)

Whether the Code could have been made workable to suit everyone was never known because the N. R. A. was declared unconstitutional by the Supreme Court of The United States on May 27, 1935.

The disappearance of the N. R. A. has eliminated a promising method, over a period of years,^{for} a nationwide application of sound forest management of private lands. Things are now just where they started except that the lumbermen have a better conception of the elements of the problem as a result of the forestry conferences and activities under the Code. The Supreme Court decision left little grounds on which to base any mandatory federal legislation to control private forestry practices. The indicated future course is to stimulate individual effort and voluntary cooperation among private owners; encourage state governments to provide by law for the observance of such minimum rules of forest practice as will assure the continuance of the forest productivity and to extend state aid to the private owner as a partial offset to this requirement; finally, to provide greater aid to private owners and the state forestry agencies in the promotion of their

forestry activities.(21)

After the failure of the N. R. A. interest was renewed in the Copeland report proposals. Besley(4) agrees in the main with the findings of the Copeland report, but questions ^{the} emphasis placed on certain parts of the plan. He does not agree with the severe indictment of the private owner. "In this report, as also in previous pronouncements from the Forest Service, the idea, that the ownership of forest land carries with it a public responsibility to manage it in the public interest, is repeatedly emphasized. There is no such obligation in fact and as a theoretical proposition it is subject to established property rights that cannot be brushed aside by sentimental twaddle. If the private owner is to manage his land to serve the public good, even in part, then he is entitled to a subsidy to be paid by the public in terms of the value of the public service rendered. He should not be expected to continue in an unprofitable business."(4)

There was a time when this forest land was parcelled out as fast as the private interests would take it. The timbered portions soon passed to private ownership, and became the holding of large lumber companies and furnished the backbone of the lumber industry. There was wide-spread fraud against the government in acquiring these lands. Not only were the timber land laws liberal

but they were indifferently administered. It was not until after 1900 that anything but private ownership received any real consideration. The private owners operated under the economic order where profit was paramount, and exploitation was in order. Interest charges, taxes, and probable damage by fire and other factors were the urge for liquidation. The cry of timber shortage arose and agitation for federal regulation was advanced as a remedy. This remedy has failed and to date the problem is still there.

It is generally conceded that private ownership is to ^{be} favoured and encouraged, only to be replaced by public ownership as a last resort, or where the public interest requires public ownership of the land.

Besley advanced four steps or degrees of public control which seem to be justified and if the proper results are not forthcoming public ownership should be forced.(4)

- (1) Protection of private lands from fire, insects, and disease. At 75 percent of protection is a public responsibility and is generally recognized as such.
- (2) The private owner is entitled to the benefits of a taxing system that will permit him to defer of most of the tax out of income.
- (3) Provisions should be made, under sanction of law, whereby private owners may join together in

establishing sustained yield management units with the right to pool interests, control production, and enforce rules and regulations in cooperation with the appropriate state forestry agencies.

- (4) Where the public interests is not paramount, but requires a modified form of forest management on a specific area in private ownership, beyond the economic requirements of the owner or his ability to perform them, his income from such lands, under this modified form of management should be supplemented by public aid to the extent of the additional costs, but not to exceed the public value of the service rendered. This would involve a measure of public control which should be exercised through the state.

The lumber industry is not enthusiastic about public regulation, yet it is becoming reconciled to the fact that it probably will be regulated.. Spokesmen for the industry indicate that the industry would not fear regulation that would start from practical experience of the lumber man in the woods and develop from that point. The experience gained under the conservation Code and forest practice rules of the N. R. A. seems to offer at least one solution. Despite their unpopularity

in certain quarters, and despite certain limitations, these rules nevertheless embodied the best judgment and intelligence, both of the forester and the timber operator. In some forest regions, these rules are still being followed on a voluntary basis. The official desinence of the forest practice rules of the N. R. A. would therefor appear to be a sound point of departure. If public regulation is to be successful, it must be sound, economic, and workable. (47)

President Roosevelt (3), on March 14, 1938, in a special message to Congress requested them to set up a joint committee to study the forest land problem of the United States. The committee was to give particular attention to the situation with respect to private lands of forests but also to such matters as:

- (1) The adequacy and effectiveness of protective methods on private and public forest lands.
- (2) Other measures, Federal and State, which may be necessary and adviseable to insure continuous production on private forest lands.
- (3) Public acquisition needs and plans for management of such lands.
- (4) The need for public regulation which will adequately protect ~~the~~ private and public interests.
- (5) Methods and possibilities of employment in forestry work on private and public forest lands and possibilities of liquidating such public

expenditures as are or may be involved.

The President continued in his address to give a brief review of the forest situation as it exists today. He touches on the basic facts of the amount of land area in forests, the number of people that the forest supports, the products from the forests, game, and recreation.

He next recognizes the fact that there is still a drain on the forests beyond the growth, that there is a large proportion of the cut over lands that are tax delinquent, and that forests operations are not conducive of maximum regrowth. The President does not fail to recognize that progress has been made in federal, state, and private forestry; but that the measures that have been taken are not adequate to meet the present situation. He asserts that "our forest lands are still being exploited; that forest communities are still being crippled; that watersheds are still being denuded; that watersheds still suffer from erosion and floods; that our forest capital is still being liquidated; and finally, that the forest budget still needs balancing."(3)

This editorial is aware that the lumbermen can contribute much valuable information in formulating a workable program of public cooperation and regulation. In all sections of the country, this message

by the President has been received favorably and as yet no indication of opposition on the part of the private owners. There is every indication and hope that the industry will cooperate fully with the committee if and when appointed. (3)

Gradually, it seems, the public and private owners have been able to get together on an even footing and solve the problems which are the vital concern of everyone. Since the Conservationists have recovered from the hysteria of 1919 and the early 1920's there has been less and less bickering over the attitude of the private owners. The private owners themselves have helped considerably in that they are willing to give private forestry a chance. Due to the economic situation in the last several years, things have moved very fast and more accomplished than in any other comparable period of time. Under the N. R. A. they had to regulate themselves which they proceeded to do in as short a time as possible and with this came the realization that private forestry was economically feasible. The goal is still a long way off, but at least an admirable start has been made.

After all the private owner is a business man and he would not deliberately cut his business out from under him unless he had no other alternative. He can and will move fast when he has the economic

justification. And it is reasonable to think that when it can be financially feasible the lumber industry will regulate itself. To speed this process up they would need a push from the government which should be willing to furnish aid and not try to operate his business for him through strict public regulations. The fact that the public owners will and have made the effort to put the lands on a productive basis is evidenced by the recent meeting of the Southern Pine Pulpwood Industry.(45) The various groups of this industry with effective aid from the U. S. Forest Service and state foresters have adopted forest practice rules befitting each locality where operations are carried on. The rules included, fire protection, selective or partial cutting, diameter limits, seed trees, utilization of all possible defective, badly formed, damaged or worn out turpentine trees to the fullest practicable extent, and cutting period. These rules can be modified by cooperation with the state forester. Each group had slightly different conditions or degrees but eventually they covered the same general headings as given above. The possibilities of planting were to be considered and the establishment of demonstration forests to encourage reforestation.

The committees, who were responsible for the formulation of these rules, were of the opinion that in

a reasonable length of time through organized effort to approach the conservation policy of the Federal Forestry Service, but that such a drastic change would at this time, perhaps, defeat the end in view.(46)

Periodical meetings were arranged by these groups to revise the rules if need be or to add to them. This was in keeping with the recommendations of some of the critics on policy proposals of the past, that is once a bill was passed, there was no effort ever made to revise it or its provisions to any great extent. Any detailed movement of policy will have to involve land planning or planning of the future and if such a proposal is to be a success it must be continually revised.

The private owner all along has been looking ^{for} larger appropriations under the Clarke-McNary Act for fire protection. As time progresses more and more are the private owners willing to cooperate if left reasonably alone. If the public wants conservation then it must be prepared to do its part or more than its part to secure this end. The private owner cannot do it alone. But he will match the efforts of the public as best he can. There are, of course, always some private owners who will never cooperate and have not future of the future. It is these operators who make it difficult for the remainder of the industry.

Their unfair competition was one of the criticisms of the N. R. A.

Private forestry has a good start. It remains to be seen whether or not the private owners working in harmony with the Forest Service will solve the problem by showing a productive forest in compliance with the rules of conservations.

Today there is more and more talk of sustained yield forest management, both by the foresters and private owners. The time will come when sustained yield forest management will be practiced by the private owner wherever it is economically feasible to do so. This will all come by itself and the government may hurry it considerably by the right kind of assistance. The cooperative policy is the byword of a successful solution to our forest problems now. What the answer will be if there is a swingback to the drastic legislation idea is hard to predict.

There are now two bills before Congress, one introduced into the House by Representative Doxey (H.R. 8950) on January 13, 1938, and the introduced into the Senate by Senator McNary (S. 3208) on January 10, 1938. These two bills are both the same and are "to promote sustained yield forest management in order thereby (a) to stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample

supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, amelioration of climate, and preservation of wild life."(52,53)

The report from the Committee had not been made at the time of this paper, so it was impossible to obtain the full provisions of these bills. The idea behind these bills is good providing it can be executed satisfactory to all concerned.

There are still many arguments heard for and against public control. Probaly this will never be solved satisfactorily to everybody, but there ought to be a happy medium somewhere that could be reached where the majority would feel that the solution had been reached. The attitude of this paper should not be misconstrued to mean the total absence of public control. The author believes that the lumber industry after the swift changes and awakening that it has experienced during the earlier part of this decade will make a supreme effort to regulate themselves. It is for time alone to determine whether or not their efforts will accomplish this objective. Federal control will have to be exercised over those individuals interests which are not ready to share the burden expected of them. Some form of legislation will have to be passed protecting those private owners who are ready and willing to do their utmost and to

protect the advancements already made. Strict Federal control should only be used when every other course is closed. The private owners way should be made as easy as possible as long as he is working with, and for, the public interests, but while he is doing this he must be able to see his way financially. Since the public forest agencies are so sure that their policies and proposals will work, then the private owner should be given every inducement possible to adopt them.

And in conclusion, the inherent and basic difficulty of the situation lies in the state of mind of the industry. The major job is to substitute for the blinding instinct of ~~the~~ self-preservation the more normal function of plain, business judgment which has faith in a continuing private lumber industry.

BIBLIOGRAPHY

1. Ahern, George Patrick. Deforested America. 70 Cong. 2 sess., Documents no. 216, January 31, 1929. Forwarded by Gifford Pinchot.
2. A National Plan for American Forestry, 73 Cong. 1 sess., Senate Document No. 12. U. S. Government Printing Office. 1933.
3. A Significant Forestry Document, Editorial. Journal of Forestry. v.36. April, 1938. p. 455.
4. Besley, F.W., Forest Land Ownership and Jurisdiction. Journal of Forestry. v.36. February, 1938. p. 363.
5. Capper Resolution, 66 Cong. 2 sess., S. 311, February 21, 1920. p. 3229.
6. Capper Bill, 66 Cong. 2 sess., S. 4424, May 20, 1920. p. 7327.
7. Capper Bill, 67 Cong. 1 sess., S. 1435, May 2, 1921. p. 907.
8. Capper Bill, "Senator Capper's New Forest Conservation Bill", In Timberman, v.27. January, 1926. p. 188.
9. Capper Bill, 68 Cong. 1 sess., S. 2514, February 16, 1924. p. 253.
10. Capper Bill, 69 Cong. 1 sess., S. 1826, December 18, 1925. p. 1064.
11. Cameron, Jenks. The Development of the Governmental Forest Control in the United States. 1928. John Hopkins Press. Baltimore, Maryland.
12. Cary, Austin., Ideas on National Forest Policy. Journal of Forestry. v.20. November, 1922. p. 788.
13. Clapp, Earle H., Major Proposals of the Copeland Report. Journal of Forestry. v. 32. February, 1934. p. 174.
14. Clarke Bills, 67 Cong. 4 sess., H.R. 14225 - H.R. 14241, February 6-7, 1923. p. 3173, 3233.
15. Clarke Bill, 68 Cong. 1 sess., H.R. 4830, January 7, 1924. p. 679.
16. Committee for the Application for Forestry, Journal of Forestry, v.17. December, 1919. no.8.

17. Decision of Supreme Court to Regulate Cutting of Trees.
From the Seventh Report of the Forest Commissioner of Maine, 1908.
18. Ely, Hess, Leith, and Carver. The Foundations of National Prosperity. Reviews. Journal of Forestry, v. 17, January, 1919. p. 57.
19. Graves, H.S., Private Forestry. Journal of Forestry. v.17, February, 1919. p. 113.
20. _____, A Policy of Forestry for the Nation, Journal of Forestry, v.17, December, 1919. no.8.
21. Heintzleman, B.F., Substitute for Article X, Journal of Forestry, v. 34, March, 1936. p.225.
22. Kneipp, L.F., One Way out, Journal of Forestry, v.25, November, 1927. p.885.
23. Mason, D.T., The Lumber Code. 1935. Yale University, Lumber Industry Series XII.
24. Moore, Barrington, The Present Forest Situation, Journal of Forestry, v. 27, January, 1929. p. 13.
25. McCormick, 67 Cong. 1 sess., S. 1869, May 23, 1921. p.1624.
26. McNary, 67 Cong. 4 sess., S.Res. 398, January 21, 1923. p. 1277, 1996, 2175.
27. McNary Bill, 68 Cong. 1 sess., S.1182, December 15, 1923. p. 303.
28. McNary Act, In American Forests, v.30. February, 1924. p. 99.
29. National Recovery Administration. Lumber Code. August 12, 1933.
30. New Forestry Act, In American Forests, v.30, July, 1924. p. 392.
31. Olmsted, F.E., The Work Ahead, Journal of Forestry, v.17, March, 1919. p. 227.
32. Pinchot, Gifford, Resume' of the Snell Bill, In American Forests, v.28, April, 1922. p. 244.
33. _____, The Lines Are Drawn, Journal of Forestry, v.17, December, 1919. no.8.

34. Poindexter Bill, 66 Cong. 2 sess., S. 3555, p. 561.
35. Proceedings of the Conference of Governors in the White House. Washington, D.C. May 13-15, 1908. Washington Government Printing Office, 1909.
36. Pub. 326 — 70 Cong. April 30, 1928.
37. Pub. 466 — 70 Cong. May 22. 1928.
38. Reed, F.W., The Need of Government Participation in Private Forestry, Journal of Forestry, v. 26, January, 1929. p.69.
39. Richards, Edward C.M., American Forest Policy, Journal of Forestry, v.31, March, 1933. p. 279.
40. Shepard, Ward., The Anachronism of Forest Destruction, Journal of Forestry, v. 27, January, 1929. p. 8.
41. Snell Bill, Hearings before the House Committee on Agriculture. 67 Cong. 2 sess., January, 1922.
42. Snell Bill, 66 Cong. 3 sess., H.R.15327. December 22, 1920. p. 671.
43. Snell Bill, 67 Cong. 1 sess., H.R. 129, April 11, 1921. p. 89.
44. Snow, S.B., Industrial Forestry, Journal of Forestry, v. 26, February, 1928. p. 177.
45. Southern Pine Pulpwood Industry, Minutes of Meeting. June 11, 1937. Alexandria, Louisiana.
46. Southern Kraft Corporation. Mobile Mill, Mobile, Alabama.
47. The Lumber Industry Looks at Forestry, Editorial. Journal of Forestry, v. 36, April, 1938. p. 363.
48. U.S.Forest Service, Timber Depletion and the Answer, U.S.D.A. Circular 112, June, 1920.
49. Who Should Own Our Timber, Editorial, Journal of Forestry, v. 31, February, 1933. p. 127.
50. Woolsey, Theodore S.Jr., Public Forestry on Private Land, Journal of Forestry, v. 20, February, 1922. p.130.
51. 67 Cong. 4 sess., H.J.Res. 456. p. 4055.
52. 75 Cong. 3 sess., S. 3208. January 10, 1938.
53. 75 Cong. 3 sess., H.R. 8950. January 13, 1938. p. 660.



3 9015 00328 7060

THE UNIVERSITY OF MICHIGAN

TO RENEW PHONE 762/7374

DATE DUE

--	--

5 3e6AA 013 BR
90 2 1 2

4228

